

ACTS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

PASSED AT THE

SESSION OF 1874-5,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING NOVEMBER 16TH 1874.

GEORGE S. HOUSTON, Governor.

ROBERT F. LIGON, Lieutenant-Governor.

D. C. ANDERSON, Speaker of the House.

MONTGOMERY, ALA.:

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LAWS

OF THE

STATE OF ALABAMA.

AN ACT

TO ESTABLISH REVENUE LAWS FOR THE STATE OF ALABAMA.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following rules for the taxation of persons and property are hereby established, to-wit: The term "real property" as used in this act shall be held to mean and include not only land, city, town, and village lots, but all things thereunto pertaining, and all structures and other things so annexed or attached thereto, as to pass to a vendee by the conveyance of the land or lot. The phrase "personal property" as used in this act shall be held to mean and include all things other than real property, which have any pecuniary value, and moneys, credits, investments in bonds, stocks, joint stock companies or otherwise. The term "moneys" or "money" as used in this act shall be held to mean and include gold, silver and other coin, bills of exchange, bank bills or other bills, or notes authorized to be circulated as money, whether in possession or on deposit subject to the draft of the depositor, or the person having the beneficial interest therein, on demand. The term "credit" as used in this act includes every claim and demand for money, labor, merchandise, or other valuable thing, and all money or property of any kind secured by deed of trust, mortgage or otherwise. The word "person" or "party" or other word or words importing the singular number, as used in this act, shall be held to include firms, companies, associations, and corporations; and all words in the plural number shall apply to single individuals in all cases in which the spirit and intent of this act require it. All words in this act

Rules of taxation.

Definitions "real estate."

"Personal property."

"Money."

"Credit."

"Person" or "party"

importing the masculine gender shall apply to females also; and all words in this act importing the present tense shall apply to the future also.

Exempt from
taxation.

SEC. 2. *Be it further enacted*, That the following persons and property shall be exempt from taxation:

1. All property belonging to the United States.
2. All property belonging to this State, or any county, city or town thereof.
3. All bonds of the United States and this State.
4. All public school houses and the grounds, not exceeding in any case five acres, upon which such buildings are, or may be erected.
5. All houses used exclusively for public worship, the books and furniture therein, and the grounds upon which the same are or may be erected, not exceeding in any case five acres.
6. All the property of literary, scientific and benevolent institutions, and of agricultural associations actually used for the purposes for which said institutions were created, not exempting, however, any of such property when employed in any other than the regular business of such institutions.
7. Cemeteries and places of burial.
8. The libraries of ministers of the Gospel, and all religious books kept by ministers of the Gospel and colporteurs.
9. All insane and blind persons, and their property to the value of one thousand dollars.
10. All persons proven to be permanently disabled whose taxable property does not exceed five hundred dollars (from any poll tax.)
11. All family portraits.
12. All such property as the head of a family may select to the value of not exceeding five hundred dollars, but no conditional sale uncompleted by actual payment shall vest title in the purchaser, so as to authorize him to include personal property, so held within the exemption claimed by such purchaser; *Provided*, That the provisions of this act shall apply to property belonging to the estates of deceased persons, and to the property of minors who are orphans, and in such cases, the administrator or guardian, as the case may be, shall make the selections of property to be exempt.
13. All shares of the capital stock of any company or corporation which is required to list its property for

taxation in this State, shall not be assessed against the shareholders of such company or corporation.

SEC. 3. *Be it further enacted*, That there shall be assessed upon and collected from every male inhabitant in this State, not exempt in section two of this act, over the age of twenty-one years and under fifty, the sum of one dollar and a half, as poll tax, which shall be applied exclusively in aid of the public school fund.

Poll tax.

SEC. 4. *Be it further enacted*, That every person of full age and sound mind, and every firm, body politic or corporate shall when called upon, as hereinafter provided, forthwith make a full and true statement in writing to the assessor in the county in which he or she resides, in which shall be truly and distinctly set forth a correct description of all real and personal property not by this act exempt from taxation of which he or she is the owner, or holder as guardian, parent, husband or trustee, executor, administrator, receiver, accounting officer, partner, agent or factor, and also all moneys and credits owned or held as aforesaid.

Statement of taxable property.

SEC. 5. *Be it further enacted*, That every person required by this act to make or deliver such statement, shall set forth an account of the property held or owned by him or them, as follows; and upon the several items of property so named there is levied the tax at the rate described in this section.

Manner of description and rate of taxation.

1. An accurate description of each parcel of land, with the number of acres, and the value of the same, including the improvements thereon, upon which a tax of seventy-five one hundredths of one per cent. is hereby levied.

2. All wharves and wharf-boats, toll-bridges and ferries, turnpikes, and all passes, channels, or canals, where tolls are charged, street railroads, printing presses and materials, or their value, on which shall be levied a tax of seventy-five cents on the one hundred dollars of their value, from which the amount of school tax, when levied, shall be paid.

3. Steamboats, vessels and other watercraft plying in the navigable waters of the State, on their value, on which a tax of seventy-five cents on the one hundred dollars shall be levied.

4. Upon all sales of goods, wares and merchandise during the preceding year, and this shall include all goods, wares and merchandise kept on plantations for sale; and shall include all sales of such articles by any and every merchant and trader in this State, whether

the business commence on, before, or after the first day of January in the year, at the following rates: On all sales of fifty thousand dollars or less, thirty cents on the one hundred dollars; on all additional sales up to one hundred thousand dollars, twenty cents on the one hundred dollars; on all additional sales up to two hundred thousand dollars, fifteen cents on the one hundred dollars; on all additional sales up to five hundred thousand dollars, ten cents on the one hundred dollars; on all additional sales over five hundred thousand dollars, eight cents on the one hundred dollars.

5. The value of cattle over one year old, on their value, seventy-five cents on the one hundred dollars.

6. The number of mules over two years old, on their value, seventy-five cents on the one hundred dollars.

7. The number of horses over two years old, on their value, seventy-five cents on the one hundred dollars.

8. The number of hogs, sheep and goats over six months old, on their value, seventy-five cents on the one hundred dollars.

9. Every wagon, or other vehicle, on their value, kept for agricultural purposes, seventy-five cents on the one hundred dollars; for other purposes, seventy-five cents on the one hundred dollars.

10. All tools of whatever description and all farming implements, on their value, seventy-five cents on the one hundred dollars.

11. All household furniture, on its value, seventy-five cents on the one hundred dollars.

12. All libraries not exempt by law, on their value, seventy-five cents on the one hundred dollars.

13. All jewelry, plate and silver ware, ornaments and articles of taste, pianos and other musical instruments, and paintings, except family portraits, on their value, seventy-five cents on the one hundred dollars.

14. All dirks and bowie-knives, sword canes, pistols, on their value, three-fourths of one per cent.; and fowling pieces and guns, on their value, at the rate of seventy-five cents on the one hundred dollars.

15. All cotton presses and pickeries, on their value, seventy-five cents on the one hundred dollars.

16. All studs, jacks, jennetts, on their value, seventy-five cents on the one hundred dollars; and all race horses, on their value, seventy-five cents on the one hundred dollars.

17. All gold and silver watches, and gold safety chains,

and clocks, on their value, seventy-five cents on the one hundred dollars.

18. All money hoarded or kept on deposit subject to order, either in or out of the State, except funds held subject to draft in the prosecution of a regular exchange business, seventy-cents on the one hundred dollars.

19. All money loaned and solvent credits or credits of value, from which credits the indebtedness of the taxpayer shall be deducted and the excess only shall be taxed, seventy-five cents on the one hundred dollars.

20. All money employed in buying and trading in paper, or in regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital, seventy-five cents on the one hundred dollars.

21. The market value of the capital stock of all incorporated companies created under any law of the State, whether general or special, except such portion of the capital stock as may be invested in property and taxed otherwise as property, seventy-five cents on the one hundred dollars; but from the tax collected under this subdivision shall be paid for school purposes the amount levied by law for that purpose, and no municipal corporation shall levy on any such corporation or the shares of its stock for any purpose, or under any name, any tax, taxes, or imposts, greater than sixty cents on the one hundred dollars—except a license tax, when such is allowed by law.

22. All investments in bonds, except bonds of the United States and this State, seventy-five cents on the one hundred dollars.

23. All other property, real and personal, not otherwise specified herein or exempt by law from taxation, on its value, seventy-five cents on the one hundred dollars.

24. On the road-bed, track and all other real property of railroads, seventy-five cents on the one hundred dollars in value: and on all personal property of railroads, seventy-five cents on the one hundred dollars in value.

SEC. 6. *Be it further enacted*, That the description of Description of real estate. real estate may be as follows:

1. If the lands to be assessed be an entire section, it may be described by the number of the section, township and range.

2. If the tract be a subdivision of a section author-

ized by the United States for the sale of public lands, it may be described by a designation of such subdivision, with the number of the section, township and range.

3. If the tract be less, or other than a subdivision, it may be described by a designation of the number of the lot, or other lands by which it is bounded, or in some way by which it may be known.

4. In cases of lands surveyed or laid out as a town, city or village, and a plat thereof recorded in the office of the probate judge of the county, if the tract to be assessed be a whole lot or block, it shall be described by the designation of the number thereof; if it be a part of a lot or block, it may be described by its boundaries or some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment.

5. If the land to be assessed be a tract of which the subdivision is not known to the assessor, it shall be entered upon the roll by the boundaries thereof, or in some other way by which it may be known.

6. It shall be sufficient to describe lands to be assessed or sold for taxes in the manner heretofore in use, by initials, abbreviations and figures.

Valuation of real estate. SEC. 7. *Be it further enacted*, That real property shall be estimated at its value in money according to the best judgment that the assessor can form according to information, inspection or otherwise, taking into consideration its location, whether in town, city or in the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals and quarries, or coal beds, and the amount and character of improvements; also the value of the mineral and timber interest, where they have become a separate and distinct interest by reason of a sale thereof to parties not owning a title in the lands themselves. In cases of disagreement as to value of property by the assessor, it may be referred to two freeholders in the beat or ward where the property is situated, one to be selected by the assessor, the other by the owner of the property or his agent; and in case of disagreement they may select a third person, and the property shall be assessed as any two of them may decide; said referees shall act under oath.

By whom to be listed. SEC. 8. *Be it further enacted*, That the property of every ward shall be listed by his guardians; of every minor child having no other guardian by his father, if living; if the father be dead by the mother, if living; if

the mother be dead or married, by the person having it in charge; of the wife, by the husband, if living and sane, and the parties are residing together; if the husband be dead or insane, or is not living with his wife, by the wife; of every person for whose benefit property is held in trust, by the trustee; of every deceased person by the executor or administrator; of those whose property or assets are in the hands of receivers, by such receivers; of every firm, company, body politic or corporate, by the president or principal accounting officer, partner or agent thereof; of all property in the hands or custody of any public officer or appointee of a court, by such officer or appointee; of those absent or unknown, by their agent or person having it in charge; of insane and idiotic persons of full age, by their guardians if they have any; if they have no guardians by the person having it in charge; of lessors of real property, by such lessors. All persons required by this act to list property for others shall list it separately from their own and in the name of the owner thereof. Separate lists.

SEC. 9. *Be it further enacted*, That the tax on steam-boats, vessels, and other water craft, shall be assessed and collected at the port or landing within the State where such vessels are registered, if practicable; otherwise at any other port or landing within the State where such vessel may be. Pawnbrokers shall be deemed the owners of all property in their possession, for the purposes of this act. Tax on steam-boats, where payable.

SEC. 10. *Be it further enacted*, That taxes shall also be assessed by assessor in each county on and from the following subjects, and at the following rates, to-wit: Additional subjects of taxation.

1. On the gross amount of all sales at auction, made in or during the tax year preceding the assessment, except those made by or under the direction of executors, administrators, and guardians, as such, by order of the court or under legal process, and under deed, will or mortgage, at the rate of one half of one per cent., but in in case of sales by auction for any person, firm, association or corporation, at any one time, or under any one order, or consignment, the same rate as upon sales of merchants. Auction sales.

2. On the gross amount of premiums (after deducting therefrom losses paid, and all return premiums) received from their business in this State, during such tax year by any life, fire or marine insurance company, not chartered by this State and doing business herein, by agents

Insurance a-
gencies.

or otherwise, at the rate of three per cent., but from this amount, fifty dollars shall be applied to school purposes. Each agent, in this State, of any insurance company, organized under the laws of any other State or country and doing business in this State, shall annually, in the month of January, return to the assessor of the county in which such agency is located, a sworn statement of the gross receipts of such agency for the year ending on the first day of that month, including all notes, accounts, and other things received or agreed upon as a compensation for insurance at such agency, with a statement of losses paid, and return premiums, and the company shall be charged with taxes at the place of such agency on the amount so returned; and the agent shall also be personally responsible for such taxes, and may retain in his hands a sufficient amount of the company's assets to pay the same, unless the same shall be paid by the company; and any agent or company refusing or failing to make returns within the times prescribed by law, or refusing to pay the amount assessed as tax, shall forever be debarred from doing business in this State.

Local insu-
rance compa-
nies.

3. On the gross amount of premiums received from their business in this State during such tax year, by any insurance company, chartered by or organized under any of the laws of this State, one per cent. on the gross amount of premiums, less the expenditures, losses paid and return premiums, but from this amount fifty dollars shall be applied to public school purposes, except in the case of life insurance companies, chartered by or organized under any of the laws of this State, one per cent. on the gross amount of premiums less the expenditures, reserved fund, returned premiums and losses paid; but from this amount fifty dollars shall be applied to public school purposes.

Commissions.

4. On the gross amounts of commissions, or sums charged or received in or during such tax year, by any factor, broker, commission merchant or other merchant or dealer in any kind of property, or auctioneer, in buying, selling, or any other act done in the course of their business for a commission or compensation by bale, sack, package or otherwise, and upon the gross commissions received by insurance agents, as such, during the tax year, at the rate of three-fourths of one per cent. *Provided*, That the actual expenses of conducting such business may be deducted from such gross commissions before assessment, but no bad debt shall be deducted.

5. On the gross receipts during such tax year of all cotton pickeries, and from the storage of cotton, or other merchandise or produce, at the rate of three-fourths of one per cent.; on the gross amount of income of all gas works, water works, public mills and gins used in ginning for tolls, three-fourths of one per cent.; after deducting the expenses of carrying on such business.

Cotton pickeries and storage.

Gas and water works.

Mills and gins.

6. On the gross receipts of lotteries and gift enterprises, five per cent.

Lotteries, &c.

7. On all dividends declared or earned, and not divided, by incorporated companies doing business in this State, and not otherwise herein assessed, and declaring the same, a tax of three-fourths of one per cent.

Dividends.

8. On all the amendments to charters of incorporated companies asked for from the General Assembly, \$50; and on all claims or applications for relief of a pecuniary nature, by firms or corporations at the hands of the General Assembly, ten per cent. upon the amount awarded, which amount of tax shall be deducted by the auditor before drawing his warrant upon the treasurer; also a tax of fifty dollars upon each and every charter, amendment or extension of the same, formed, declared or recorded in this State, under any law thereof for corporations, other than religious, literary or benevolent purposes, which sum must be collected by the officer by whom, or in whose office record such is made, and by him paid to the judge of probate of the county where such corporation is located, for the treasury of the State; and such judge of probate must, annually, on the first day of January, report to the auditor what moneys he has received from this source during the year. The sum first named in this sub-division must be paid to the secretary or clerk of the House in which such bill is presented, and by him paid to the treasurer of the State, and his receipt must be produced before any such bill shall be entertained by either House of the General Assembly; but this shall not apply to appropriations of money from the treasury to pay debts due from the State.

Amendments to charters.

Relief claims.

When payable.

Exceptions.

9. On the gross receipts of all breweries and bakeries, one-fourth of one per cent.

Breweries and bakeries.

10. On the gross receipts of telegraph and palace or sleeping car companies, one and a half per cent, after deducting rent and clerk hire, actually paid for their services; and upon the gross income of sewing machine companies, or their agencies in this State, after deduct-

Telegraph and sleeping car companies.

Sewing machine companies.

ing rent and clerks' hire actually paid, one per cent., but from this amount, fifty dollars shall be applied to public school purposes.

Distilleries. 11. On the gross receipts of grain distilleries in this State, one and a half per cent.

Statement re- 12. All agents and managers of telegraph, sleeping or
quired. palace car companies shall, on or before the fifteenth day of April in each year, make out under their oath, a true and full statement of the gross receipts of their respective offices for the preceding year, and deliver the same to the assessor for the county, when they collect any income, and such agents and managers shall pay the tax thereon to the collector and retain the amount out of any money in their possession belonging to such company; *Provided*, That when any such agent or manager shall fail to make the return herein required, the assessor of the county shall proceed to estimate upon the best information he can obtain, the probable amount of the receipts of each of such business and add thereto fifty per centum, and return the same to the collector in the same manner as other assessments are returned, and no property of such company shall be exempt from levy and sale for taxes.

Proviso.

Salaries and fees. SEC. 11. *Be it further enacted*, That there shall be assessed and collected upon all salaries and fees of public officers; and upon the salaries of all other persons over five hundred dollars, at the rate of one half of one per cent.

Tax year. SEC. 12. *Be it further enacted*, That the tax year shall be the year ending with the thirty-first day of December, each year, and all property, unless herein otherwise provided, shall be given in by and assessed to the person, company, corporation, partnership or association, owning or having in possession the same, on the first day of January, of the year for which the assessment is being made, and the lien for taxes shall attach to all property for its taxes, whenever, and so soon as such property becomes liable for tax under this act.

Lien for taxes.

Receipts, profits, &c.; how estimated. SEC. 13. *Be it further enacted*, That all gross receipts, profits, salaries and sales, shall be estimated for the year ending on the thirty-first of December last preceding the assessment, except herein otherwise provided, and annually thereafter.

When assessments to commence. SEC. 14. *Be it further enacted*, That the assessments may commence on the first day of January in each year, and shall be finished by the first day of July following

Provided, however, that the tax assessor shall have until the first day of September to make a supplemental assessment upon property he may have failed to have assessed prior to July the first, and shall make monthly returns of the same to the judge of probate and tax collector, and the assessor shall enter the same on the tax book in said office. Supplemental assessment.

SEC. 15. *Be it further enacted*, That all taxes shall become due and payable on the first day of October of each year, and shall become delinquent on the thirty-first day of December in each year, except in cases where parties owing taxes are about to remove from the county. When due.
When delinquent. And on the first day of February there shall be added to, and collected with all delinquent taxes, a penalty of three per cent. on the amount of taxes not then paid, and a monthly increase of two per cent. thereafter ; *Provided*, That on payment of his taxes during the month of October, the tax payer shall be allowed a deduction of four per cent. on the amount of his taxes, three per cent. if paid during the month of November, and two per cent. if paid during the month of December. Penalty for delinquent taxes
Deductions for prompt payment. It shall be the duty of the tax collector to deliver to the assessor on the day when the penalty attaches, the original and copy of tax books, upon which the assessor shall charge said penalty up to each tax payer, whose assessment remains unpaid up to the said date, and he shall notify the auditor and county treasurer of said amounts so charged, who shall charge the collector with said sums for the use of the State and county in like manner as he is now charged by law, with the original tax ; and any collector failing to deliver his books so required, in order to have himself charged with said penalty, shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined not more than one thousand dollars. Duty of tax collector.
Penalty for failure.

SEC. 16. *Be it further enacted*, That the commissioners' court in each county, shall hold regular terms on the second Monday in April, and on the second Monday in August of each year, besides two other terms to be held, as may be by law required or allowed. Terms of commissioners' court.

SEC. 17. *Be it further enacted*, That it shall be the duty of all persons liable to taxation in each election precinct, upon notice given by the assessor as hereinafter provided, to attend at the time and place designated in such precinct, and render to the assessor, in writing, a complete list of all the items, and the value of each item upon which they are liable to be taxed, as herein provi- Duties of tax payers.

ded, and all real property by township, range and section or subdivisions of the sections, from which list the assessor shall make out the assessments, and the tax payer shall take an oath and subscribe an affidavit thereon, that such assessment contains a correct list of all his, her or their taxable property, to the best of their knowledge and belief. If the assessor shall ascertain that any property so returned has been recently sold, or would sell for a greater sum than that given in such return, he shall put the valuation thereof at the market price.

Persons unable to attend. SEC. 18. *Be it further enacted*, That if the owner of any taxable property within a county resides out of the county, or is by reason of any infirmity or disability, unable to attend the appointment of the assessor, or is a female, such person may send the list sworn to as required in the last section, by another person.

Delinquent returns. SEC. 19. *Be it further enacted*, That any taxpayer, having failed to make returns of any taxable property to the assessor at his appointment, may make return of the same to him or his deputy at his office, or wherever he may be found by the first day of June following.

Collector's appointments. SEC. 20. *Be it further enacted*, That it shall be the duty of the taxpayers, in each election precinct within their county, to attend the appointments of the tax collector, as advertised for their precinct, and pay the taxes due by them to the State and county, together with the special or other tax authorized by law, and in case of failure so to attend or send an agent, may pay their taxes to the collector at any time before the thirty-first day of December in each year.

Railroad officers to make report. SEC. 21. *Be it further enacted*, That the president and secretary of every railroad company whose track or road-bed or any part thereof is in this State, shall annually, in the month of April, return to the auditor of the State, under their oaths, the total length of such railroad, the total length and value of such road, including the right of way, road-bed, side track, and main track in this State, and the total length and value thereof in each county, city and incorporated town, in this State; they shall also make return of the number and value of all their locomotive engines, passenger, freight, platform, construction and other cars, and the value thereof shall be apportioned by the auditor *pro rata* to each mile of main track, and the auditor of the State shall notify the assessors of each county through which such railroad runs, of the number of miles of track and value thereof,

Duty of auditor.

and the proportionate value of personal property, taxable in their respective counties, and to such values thus apportioned, the assessor shall add the value of all other real property, together with all fixtures, machinery, tools and other property within their respective counties, and upon the value thus ascertained, taxes shall be assessed the same as upon the property of individuals, and any agent of said company is authorized to pay such tax to the collector and retain the amount out of any money in his possession belonging to such railroad.

SEC. 22. *Be it further enacted*, That if any railroad shall be in the hands of a receiver or other officer, such receiver or other officer shall make the returns required by this act, and should any railroad company or its officers fail to make the return required by this act to the auditor of the State on or before the last day of April annually, the auditor shall proceed to ascertain the values therein required from the best information he can conveniently obtain, and add thereto one hundred per centum, as a penalty, and apportion the same among the several counties, cities and incorporated towns through which such roads run, in the manner hereinbefore provided.

If in hands of receiver.

SEC. 23. *Be it further enacted*, That the auditor of the State and the treasurer of the State and the secretary of the State shall constitute a board of equalization, a majority of whom shall constitute a quorum for the transaction of business, who shall meet at the office of the auditor of State, in Montgomery, on the third Wednesday of May, annually, and equalize the property of railroad companies, whose roads are wholly or partly in this State, as returned to the auditor of State under the provisions of this act, by increasing the value of the roads and property of such companies as shall have been in their judgment, returned at too low a valuation, and diminishing the value of such as may have been returned at too high a valuation; they shall keep a record of their proceedings, which shall be signed by all the members present and deposited with, and kept by the auditor of State. A majority of members present shall be competent to decide all questions which may come before said board, and the apportionment herein provided for, shall not be made until such equalization shall have been made.

Board of equalization.

SEC. 24. *Be it further enacted*, That the president and secretary of every telegraph company, whose lines, or

Officers of telegraph companies to report.

any part thereof, are in this State, shall, annually, in the month of April, return to the auditor of the State, under oaths, the number of miles of telegraph wire in this State belonging to them, and the value thereof, including poles, batteries, instruments, and the length and value of their lines in each county in this State, and the auditor of the State shall notify the assessors of the counties through which such lines run, of the value of such property in their respective counties, and the agents or managers of said lines are authorized to pay the taxes thereon, and retain the same out of any money in their possession belonging to said company; and if any telegraph company fails to make such return, the auditor of State shall proceed to estimate the same, and ten per cent. thereon as a penalty for the failure to make returns herein required, and apportion the same to the different counties as is herein provided.

Penalty for
failure.

List of rail-
road real es-
tate not taxa-
ble.

SEC. 25. *Be it further enacted*, That the president, secretary and superintendent or agent of any railroad company owning land or other real estate in any county in the State shall make out and deliver to the assessors on or before the first day of March in each year, of each county where the property is situated, a full and complete list of all lands and town lots by section, township and range, and by lot and block, of all lands or lots owned or held by them, not subject to taxation by the laws of this State or the United States.

Bond of asses-
sor.

SEC. 26. *Be it further enacted*, That before entering upon the duties of his office, the assessor shall execute his bond, with security in the sum of two thousand dollars, payable to the State of Alabama, and conditioned faithfully to discharge the duties of his office as tax assessor, which bond shall be approved by the probate judge of the county, and executed in duplicate parts, one of which must be filed in the office of the probate judge, and the other by the assessor in the office of the auditor of the State.

Notice.

SEC. 27. *Be it further enacted*, That the assessor shall give at least thirty days notice by bills posted at five or more public places in each election precinct, of the time and place in each election precinct when he will attend to assess the taxes; and shall visit each precinct twice, and remain one day the first and not less than two days the second time, and shall keep his office open from nine o'clock, a. m., till four p. m.

SEC. 28. *Be it further enacted*, That upon the failure

of the assessor to give the notice required by the preceding section, and to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments, or forfeit all claims to fees from such persons in such precincts as were disappointed by his non-attendance as assessor.

Failure to give notice or to attend.

SEC. 29. *Be it further enacted*, That the taxable property of each taxpayer shall be entered by the assessor upon a blank assessment list in the form of an account, which shows the items of taxation assessed, amount or value of each item as valued by the assessor upon which they are liable to pay taxes, and the amount of deductions to which said taxpayer is entitled under the provisions of this act. The taxpayer, or his agent, if the taxpayer be a non-resident, shall sign an affidavit thereon, and it shall be dated and attested by the assessor, and he shall furnish each taxpayer with a certified copy of the assessment list.

Assessment list.

SEC. 30. *Be it further enacted*, That after the assessor shall have completed his sittings, as required by section 27 of this act, in each year, he shall make a demand in person, or by deputy, upon delinquent taxpayers, or such as have failed to meet him at his appointments, wherever he may find them; and when unable to find them, he may leave a written notice at the residence of such delinquent, and it shall be the duty of such delinquent to make a return to the assessor by the first day of June following, at his office or wherever he may be found.

Personal demand on delinquents.

SEC. 31. *Be it further enacted*, That having failed to procure upon proper demand made, from any delinquent, his list of taxable property before the first day of June, the assessor shall ascertain, from inquiry or otherwise, the property and other items of taxation upon which such person is liable to be taxed, to the best of his information and judgment, and assess an additional tax of twenty per cent. upon the same; and such assessment shall be entered in a book kept for that purpose.

Liability of delinquents.

SEC. 32. *Be it further enacted*, That whenever the assessor shall discover persons who, or property which, have escaped taxation in any previous assessment, he shall assess the taxes thereon for such years as such persons or property have escaped taxation; and where he has reason to believe that any person who has been assessed is about to leave the county, he shall at once notify the tax collector, and on failure to do so, he shall be liable therefor; and on failure of the tax collector to

Property escaping taxation.

Persons about to leave.

act, when notified as aforesaid, such collector shall be liable for the full amount of such tax.

Assessment
books.

SEC. 33. *Be it further enacted*, That a condensed statement of the assessment provided for in section 29 shall be entered in a book suitably ruled and substantially bound, which book shall show, in separate columns, the names of persons assessed in each precinct, in alphabetical order, the number of acres of land assessed to each person, the value of the same, together with any other real estate, the number, amount and value of any special or taxable property, and the whole number, amount and value of each separate item entered therein shall be extended, and footed up and footings carried forward from page to page and the total amount of the assessment for the county, which book of assessment shall be delivered to the probate judge of the county by the first Monday of July of each year; the assessor shall also keep a book containing a list, alphabetically arranged, of all persons liable to a poll tax in each precinct, which shall be delivered to the probate judge.

Assessment
book of lands.

SEC. 34. *Be it further enacted*, That it shall be the duty of the assessor to make out a complete list of all the lands in his county subject to taxation in a book, properly ruled and bound, beginning with the lowest section, township and range, and proceeding in numerical order to the highest, setting opposite each division and subdivision of section the name of the reputed owner thereof, and when the owner is not known these words, "owner unknown." Such statement or list shall be included in the same volume with the assessment of taxes.

Deputy assess-
sors.

Proviso.

SEC. 35. *Be it further enacted*, That the assessor shall be authorized to appoint one or more deputies, and the act of such deputy, or deputies, in his capacity as such, shall be recognized as the act of the assessor; *Provided*, however, that the assessor shall be responsible for any loss sustained by any tax payer or by the county or the State, by reason of any unlawful act or assessment of such deputy, and that such deputy shall receive no compensation for his services out of the county or State revenue.

Stationery.

Limit of prices

SEC. 36. *Be it further enacted*, That the assessor is authorized to purchase or contract for the books, stationery and printing necessary to carry out the provisions of this act, and the commissioners' court shall order payment for the same; *Provided*, that the prices paid there-

for shall not exceed the rates of regularly established houses in that business in this State, and said court of commissioners may allow reasonable compensation for all necessary clerk hire required to carry out the provisions of this act to be paid out of the county treasury.

Allowance for clerk hire.

SEC. 37. *Be it further enacted*, That the assessor shall be entitled to receive from the tax collector out of the first moneys received for the State, giving duplicate receipts therefor, the following commissions upon the amount of State taxes assessed by him, to-wit: In counties where the State taxes assessed do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first ten hundred dollars; four per cent. on the next ten hundred dollars, and two per cent. on the remainder. In counties where the State taxes exceed twelve thousand dollars, the commissions shall be the same as the above up to twelve thousand dollars, and above that sum the assessor shall receive one and one-half per cent. on the balance; upon the amount of taxes assessed upon property which has escaped taxation in assessments for the previous years ten per cent. He shall also receive from the tax collector the same rate of commission upon the amount of county taxes, giving duplicate receipts therefor, but he shall not receive commissions on errors made in assessments, and if commissions have been paid on such errors before ascertained, then he shall refund the same upon notice from the commissioners' court; and if not refunded, then it is made the duty of the collector to return the amount paid over on errors out of any fees or commissions due or to become due to the assessor.

Compensation of assessor.

Commission on county taxes.

No commission on errors.

SEC. 38. *Be it further enacted*, That for making the demand or giving the notice required by section thirty, the assessor shall be entitled to charge each delinquent tax payer fifty cents, to be charged upon the assessment of such delinquent, which the tax collector shall collect as other taxes and pay over to the assessor. The assessor shall be allowed three per cent. for assessing the poll tax, which shall be paid out of the poll tax.

Charge upon delinquents.

Commission on poll tax.

SEC. 39. *Be it further enacted*, That the tax collector of each county now in office is declared to be the lawful collector for the tax year of eighteen hundred and seventy-five, and shall complete the collection, make the sales of property for delinquent taxes, and make settlement of all taxes for said year as provided for by this act.

Tax collector.

Collector's
bond.

SEC. 40. *Be it further enacted*, That before entering upon the duties of his office the tax collector in each county shall execute his bond, with at least two sureties on the same, to be approved by the judge of probate in such county, which bond shall be for double the probable amount of the taxes at any one time in his hands, which bond shall be executed in duplicate, one of which shall be filed in the office of the judge of probate and the other in the office of the State Auditor, and the bond of the tax collector shall operate from its execution as a lien in favor of the State and county on the property of such tax collector for the amount of any judgment which may be rendered against him in his official capacity for the State or county taxes, and on the property of his securities from the date of his default.

Notice of ap-
pointment.

SEC. 41. *Be it further enacted*, That the tax collector shall give at least thirty days notice, by bills posted at five or more public places in each election precinct, that he will attend for the purpose of receiving taxes, and shall visit each precinct twice and remain one day the first time and not less than two days the second time, and keep his office open from nine o'clock, a. m., till four, p. m.

Penalty for
failure.

SEC. 42. *Be it further enacted*, That upon the failure of the collector to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments for such precinct or forfeit all claims to fees from such persons in such precincts as were disappointed by his non-attendance as collector.

Collections.

Description of
receipt.

SEC. 43. *Be it further enacted*, That he shall proceed at such appointments to collect the taxes provided for in this act, together with the county tax, and such other special taxes, forfeitures and fees as may be by law required of him to collect, receipting for the same upon a printed list in the form of an account, which shall show the number, amount or value of each item upon which they are liable to pay a tax, the amount of the tax thereon extended, and the total amount of taxes due by such tax payer, which receipt he shall deliver to the tax payer; and such receipt, or one of similar import, shall be conclusive evidence that such tax payer has paid all of his State and county taxes for that year on the real and personal property itemized against him in the assessment list provided for in section twenty-nine of this act, and he shall keep a stub-book for each tax year, and upon the payment of taxes by any tax payer shall

Stub book.

enter therein the name of such tax payer, and the amount of his taxes on personal and real estate separately, and the nature and kind of funds received, and amount of all taxes and fees collected from him, and date of payment. At the end of the tax year this book shall be delivered by the tax collector to the probate judge of the county to be kept in his office; and the tax collector shall purchase said books at the expense of the county. Upon the payment of taxes by any one the tax collector shall execute to such tax payer a receipt containing a statement of taxes corresponding with the entries in the stub-book. The commissioners court shall have the power to compel the production of said books by the tax collector for their inspection at any time.

SEC. 44. *Be it further enacted*, That such appointment shall be completed before the first of January, and the collector shall be present at the county site for five days previous to the first day of January from nine o'clock, a. m., until four, p. m., for the purpose of receiving taxes. Time limited.

SEC. 45. *Be it further enacted*, That after the collector shall have completed his sittings for the collection of taxes as required by section forty-one of this act, he or his authorized deputy shall make a personal demand upon delinquent tax payers wherever they may be found for the amount of their taxes, penalties and costs, and when unable to find them shall leave a written notice at the place of residence of such tax payers, and it shall be the duty of such delinquents forthwith to make payment in full of their taxes, forfeitures and fees to the collector or his deputy. Personal demand.

SEC. 46. *Be it further enacted*, That it shall be the duty of the collector while engaged in the collection of taxes to assess the taxes of persons who have escaped the tax assessor and report the same to the probate judge, who shall cause all such assessments to be entered in the back part of the books of assessment for each year. Assessments overlooked.

SEC. 47. *Be it further enacted*, That during the first week of January of each year, the tax collector shall account to the Auditor, under oath, for the whole amount of State taxes by him collected up to that date, first deducting the commissions and fees allowed him by law; and on or before the first day of May following he shall make a final settlement with the Auditor and pay over to the Treasurer the balance of the taxes due from the tax payers in his county, and he shall also account to the Auditor and pay over to the Treasurer all moneys re- Settlement of Collector.

What he shall pay over. received by him from sales of lands bought in the State; and he shall make a final settlement with the county treasurer for all the county taxes on or before the first day of May in each year, and in his settlement with the State and county treasurer shall pay over all gold and silver, United States treasury notes, national bank notes, notes issued by any bank under the laws of State, and the obligations and other funds authorized by the law to be received for taxes; and any collector failing to pay over the identical funds collected by him, under oath administered to him by the Auditor of State or the treasurer of the county, or violating any of the provisions of this section, shall be guilty of a misdemeanor; and if any tax collector shall fail to make returns and forward the tax money in his hands from time to time to the proper authorities as provided by law, except for good cause, he shall be deemed guilty of embezzlement of public funds, and shall be liable on conviction to a fine of not exceeding ten thousand dollars and imprisonment in the penitentiary not exceeding two years.

Penalty.

SEC. 48. *Be it further enacted*, That after the first day of February in each year, the tax collector shall proceed without delay to levy upon any personal property of delinquent tax payers, (and no property shall be exempt from sale for taxes,) and, after ten days notice at three or more public places in the precinct in which such delinquent resides, shall sell the same at the place of voting in such precinct, or so much as may be sufficient to satisfy the taxes, forfeitures, penalties, fees and costs of such sale; *Provided*, that the taxpayer may at any moment before the sale pay the taxes, &c., and thereby release the property; and provided further, that no personal property sold for taxes shall be subject to redemption, except at the option of purchasers; and it shall also be the duty of each tax collector to ascertain in his respective county who are the insolvent or defaulting taxpayers; and it shall be his duty to ascertain who, if any person or persons, are indebted to, or has in his or their possession or under their control, any money or effects the property of said defaulting or insolvent taxpayer; and upon the ascertainment of the fact, the tax collector shall forthwith serve the said debtor or person who may be so indebted, or have property or effects belonging to the defaulting or insolvent taxpayer, with personal notice in writing to appear before any justice of the peace in said county, on a day therein named, or

Enforcement of taxes.

Levy and sale.

Proviso.

Personal property not subject to redemption.

Further duty of collector.

Procedure.

before the circuit or city court having jurisdiction, not to exceed ten days, to answer as a garnishee, under oath, as to his indebtedness and what money or effects he may have in his hands belonging to said defaulting or insolvent taxpayer, and the same proceedings shall be had thereon as is now provided by law in cases of garnishment; and provided further, that the sum of one dollar shall be paid to the tax collector for his extra services in each case, and two dollars shall be paid the justice trying the same, and the usual collecting fees shall be paid the officer collecting the same, as is now allowed by law, to be assessed against the defaulting or insolvent taxpayer, the proceedings to be in the name of the State; and provided further, that where the garnishment is returnable into the circuit or city courts, the sheriff and clerk shall have the fees for similar services as now provided by law, and the tax collector the sum of two dollars for extra services; and the court may allow the tax collector a reasonable fee for the services of an attorney in cases where one is necessary.

Fees.

SEC. 49. *Be it further enacted*, That where no personal property can be found, with reasonable search, the tax collector shall proceed against the real estate of any delinquent taxpayer in the manner hereinafter provided.

Real estate liable.

Sec. 50. *Be it further enacted*, That the tax collector shall report to the commissioners' court, at the April term, second Monday thereof in each year, on oath, a list of persons out of whom he shall be unable to make the taxes, which shall be termed "List of Insolvents," and also a list of such persons as have been overcharged by the assessor, which shall be termed "List of Errors in Assessment," and such court after examining such lists, and correcting such errors, if any, shall proceed with the aid of the collector, to make out from the list so returned, separate list of insolvencies for each beat in the county, which separate beat list shall be returned by the court to the collector, who shall, within ten days, post up a notice at the beat precinct in each beat, advertising that on a day fixed, not to exceed thirty days from the date of the return of the list to him by the court, he will proceed to sell the list of insolvencies belonging to said beat, and such sales shall take place from beat to beat until all such lists shall be disposed of, and the proceeds arising from each sale shall be paid over, and accounted for by the tax collector as is now provided by law for the collection of taxes; and further, that the pur-

List of "insolvencies."

List of "errors."

Sale of list of "insolvencies."

chasers of said list of insolvencies are hereby empowered to enforce the collection of taxes due on said lists as is now provided by law for the collection of taxes in this State.

Overplus on
sales.

SEC. 51. *Be it further enacted*, That whenever the proceeds of the sale of any personal property for taxes shall amount to more than the taxes and other charges against the same, the tax collector shall deposit such excess with the county treasurer, taking separate receipts for the overplus in each case.

Overplus re-
funded.

SEC. 52. *Be it further enacted*, That whenever the former owner of any property sold for taxes shall apply to the tax collector for the excess of the purchase money, the collector shall deliver to him the receipt for the same which he shall present to the county treasurer for payment.

Duty as to
persons about
to remove.

SEC. 53. *Be it further enacted*, That it shall be the duty of any tax collector, whenever, upon information or otherwise, he has reason to believe that any person owing taxes to the State is about to leave or remove his property from the county or State, or that the State is in danger of losing such taxes, to make out a bill showing the amount of taxes for which each person is liable, which bill shall be certified by him to the probate judge, and upon his examination and approval thereof such certified bill shall operate as a writ of *fiery facias*, and he shall proceed to collect the same by levy and sale, and the same proceedings shall be allowed as are allowed upon proceedings on writs of *fiery facias* by the sheriff.

Compensation
of collectors.

SEC. 54. *Be it further enacted*, That the tax collector shall be entitled to commissions, to be allowed by the auditor, on his estimates, in January and May, upon the amount of the State taxes collected by him, as follows: In counties where the State taxes assessed do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first ten hundred dollars, four per cent. on the next ten hundred dollars, and two per cent. on the remainder. In counties where the State taxes exceed twelve thousand dollars, the commission shall be the same as above up to twelve thousand dollars, and above that sum the collector shall receive two per cent. on the balance. On the amount of taxes by him assessed, ten per cent.; and he shall be authorized to retain the same rate of commissions out of the county taxes, and shall be allowed by the auditor five per cent. for collecting the poll tax.

SEC. 55. *Be it further enacted*, That the collector shall receive eight dollars, and at that rate for every hundred miles traveled in going to and returning from the seat of government for the purpose of making his returns and paying the taxes, once in each year; the distance to be the same as established by law for members of the Legislature. Mileage.

SEC. 56. *Be it further enacted*, That for making the demand or giving the notice required by section forty-five, the collector shall collect for his own use, in addition to the tax, fifty cents; and for making a levy and sale, the collector shall be entitled, for each, to one dollar. Fees.

SEC. 57. *Be it further enacted*, That on the first Monday of March in the year eighteen hundred and seventy-five, and on any day thereafter, and in each year thereafter, the tax collector may offer at public sale at the court house, or if there be no court house, at the office of the probate judge, all lands, town lots or other real property, on which taxes of any description for the preceding year or years shall remain due and unpaid, and such sale shall be made for and in payment of the total amount of taxes, penalties, fees and costs due and unpaid on such real property. Public sale.

SEC. 58. *Be it further enacted*, That the collector is required to give notice of the sale by publishing an advertisement thereof in a newspaper for his county; *Provided*, there is a newspaper published in his county, and by posting up a notice on the door of the courthouse in said county, and in each precinct, at least four weeks before the day of sale, which publication is required to be made once in each week for three successive weeks. It is required that such advertisement shall state time and place of sale, and contain a description of the several parcels of real property by the largest subdivision possible, to be sold, as the same are recorded on the tax list, the amount of taxes for each year, and the names of owners, when known; or person, if any, to whom taxed. The collector is directed to charge and collect, in addition to fees, forfeitures and costs, on each tract, the price of advertising the same for sale; *Provided*, That such advertisement may be made in a separate sheet, if the proprietor of such newspaper decline to publish in his regular issue at the prices fixed by law to be paid by the State to the public printer. Notice of sale.
To add price
of advertising.

SEC. 59. *Be it further enacted*, That the collector shall

Sale.

attend at the courthouse in his county, or at the office of the Probate Judge, as hereinbefore provided, on the day of sale, and then and there, between the hours of ten o'clock, a. m., and three o'clock, p. m., proceed to offer for sale, separately, each tract or parcel of real property advertised for sale, on which the taxes and costs shall not have been paid. But when two or more of the lots or parcels of real property thus advertised, belong to the same person, and such person is known to be the owner of the same, the tax collector shall not sell a greater number thereof than may be necessary to pay the tax and cost accumulated against all the lots or parcels of real property advertised and belonging to said person.

Purchaser.

SEC. 60. *Be it further enacted*, That the person who first offers to pay the amount of taxes, fees, penalties and costs due from any tax payer for the smallest portion of his real estate, is to be considered the purchaser, and when such portion constitutes a half or more of the parcel, it shall be taken from the east side thereof, dividing it by a line running north and south, except that town or city lots are to be divided, in such case, lengthwise, by line parallel with the proper lines of the lot. If the portion taken to be less than one-half of the tract, it is to be taken from the northeast corner, in a square form, as nearly as the form of the land will conveniently permit.

Continuation
of sale.

SEC. 61. *Be it further enacted*, That the collector shall continue the sale from day to day until all such lands or lots are sold.

Payment of
purchase.

SEC. 62. *Be it further enacted*, That the person purchasing any tract of land or town lot, or any part thereof, shall forthwith pay to the collector the amount of taxes, interest, penalties and charges on said tract or lot, and on failure to do so, the said land or lot shall be at once again offered for sale in the same manner as if no sale of land had been made. Such payments may be in the same funds receivable by law in ordinary payments of taxes.

Letters and
figures.

SEC. 63. *Be it further enacted*, That in all advertisements for the sale of real property for taxes, and in entries required to be made by the judge of probate, collector or other officer, letters and figures may be used as they have been heretofore, to denote townships, ranges, sections, parts of sections, lots, blocks, dates, and the amounts of taxes, penalties and costs.

SEC. 64. *Be it further enacted*, That the collector shall obtain a copy of said advertisement, together with a cer-

certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same shall have been published, and shall file the same in the office of the probate judge, and such certificate shall be substantially in the following forms :

Copy of advertisement.

I, A. B., publisher, or printer of the —, a — newspaper, printed and published in the county of — and State of Alabama, do hereby certify that the foregoing notice and list were published in said newspaper once in each week for three successive weeks, and that copies of each number of said paper in which said notice and list were published, were delivered by carriers, or transmitted by mail, to each of the subscribers to said paper, according to the accustomed mode of business in this office.

Form of certificate.

(Signed.)

A. B.

Publisher or printer of the —.

STATE OF ALABAMA, }
COUNTY OF —. } ss.

The above certificate of publication, subscribed and sworn to before me by the above named A. B., who is personally known to me to be the identical person described in the above certificate, and on the — day of —, A. D., eighteen hundred and —.

C. D., J. P.

SEC. 65. *Be it further enacted*, That the probate judge is required to attend all sales of real property for taxes made by the collector, and make a record thereof in a book to be kept by him for that purpose, therein describing the several parcels of real property on which the taxes, penalties and costs were paid by the purchaser, as they are described in the list or advertisement on file in his office, stating in separate columns the amounts as obtained from the collector's tax list, of each kind of tax, penalties and cost for each tract or lot, how much and what part of each tract or lot was sold, to whom sold and date of sale. The collector shall also keep a book of sales in which at the time of sale, he shall make the same record which the probate judge is required to make by the provisions of this section, and he shall deposit such book in the office of the county treasurer.

Probate judge to attend sales and keep a record.

Collector to keep a record.

SEC. 66. *Be it further enacted*, That if any collector or probate judge shall be hereafter, either directly or indirectly concurred in the purchase of any real property

Penalty of officers for interest in any purchase.

sold for the payment of taxes, he shall be liable to a penalty of not more than one thousand dollars, to be recovered in an action in the circuit court, brought by the board of county commissioners; the judgment shall be against such collector or judge, as the case may be, and his bondsmen, and all such sales shall be void.

Certificate of purchase. SEC. 67. *Be it further enacted*, That immediately after the sale provided for in this act, the tax collector must make out and deliver to each purchaser of real property at such sale a certificate of purchase, which shall show a description of the real property, that such real property was assessed by the assessor, to whom assessed, the date of the assessment, for what year or years the taxes were due, the amount of taxes due thereon, the forfeitures, fees, and costs, that it was advertised, and how long it was offered for sale, and at what time, who became the purchaser, and at what price.

Certificate assignable. SEC. 68. *Be it further enacted*, That such certificate of purchase is assignable by endorsement, and an assignment thereof vests in the assignee and his legal representatives all the right and title of the original purchaser.

Purchase for State. SEC. 69. *Be it further enacted*, That when such real property shall fail to command a bid sufficient to cover the taxes, interest, penalties, and costs, the collector shall bid off the same in the name of the State of Alabama, and make certificates of purchase to the State, and deliver the same to the auditor of the State, on his final settlement, who shall cause the same to be entered in a book of record kept for that purpose, indexed for convenient reference, but hereafter the State will pay no costs of any tax sale, except the costs of advertising, not exceeding fifteen cents for each tract or lot advertised; and the certificate of purchase made to the State shall be transferable by the auditor of the State the same as certificate of purchase made to individuals; and real property purchased by the State shall be subject to the same rules of redemption as real property purchased by individuals.

Statement of property purchased for State and redeemed. SEC. 70. *Be it further enacted*, That on the first Monday of April next, and every three months thereafter, it shall be the duty of the several probate judges in this State to certify to the county treasurer and auditor of the State, upon blanks to be furnished by the auditor, a full and correct statement of all real property bid in by the State and redeemed as herein provided, showing

therein the amount of State and county taxes separately, and the amounts of interest and cost due each. At the same time it shall be the duty of the said probate judge to pay to the auditor of State the proportion of such redemption money belonging to the State, and shall pay monthly the proportion of such redemption money belonging to the county into the county treasury.

SEC. 71. *Be it further enacted*, That to all real property bid in by the State and not redeemed within the time herein provided for the redemption of such property sold for taxes, the right of redemption shall be forfeited; and thenceforth all rights, title and interest of every person whomsoever in and to such real property shall be considered as transferred to and vested absolutely in the State of Alabama.

SEC. 72. *Be it further enacted*, That where real property offered for sale under this act is in town or city lots, or is designated by sections, or parts of sections, such lots, sections, or parts of sections, must be offered separately.

SEC. 73. *Be it further enacted*, That any real property sold under the provisions of this act may be redeemed by the owner, his heirs or legal representatives, at any time before the expiration of two years from the date of sale, by depositing with the probate judge of the county in which said real property was sold, the amount of purchase money, a penalty of ten per centum thereon if redeemed in three months; if redeemed after three months but within one year, a penalty of fifteen per centum; if redeemed after one year, twenty per centum and interest at the rate of eight per cent. per annum from the date of sale, cost of the certificate of purchase, all taxes on such land which have accrued subsequently to the sale (unless such taxes have been paid to the collector, as may be shown by his receipt,) and pay the sum of one dollar to the judge; but the real property of any infant or lunatic, when sold for taxes, may be redeemed upon producing satisfactory evidence of ownership at any time within one year after such disability is removed upon the terms herein specified.

SEC. 74. *Be it further enacted*, That where any real estate shall be redeemed, it shall be the duty of the probate judge to deposit such redemption money in the county treasury, and when the purchaser shall demand of the probate judge the amount of redemption money, he shall, upon the surrender of the certificate of purchase, give the purchaser an order on the treasury for the same.

Duty of probate judge.

SEC. 75. *Be it further enacted*, That the probate judge shall, upon the application of any party to redeem any real property sold under the provisions of this act, and being satisfied that such party has a right to redeem the same, and upon the payment of the proper amount in current funds, issue to such party a certificate of redemption, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, the amount paid, and by whom redeemed; and he shall make the proper entries in the book of sales in his office, and shall immediately give notice of such redemption to the county treasurer. Such certificate of redemption shall then be presented to the treasurer, who shall countersign the same and make the proper entries in the books of his office; and no certificate of redemption shall be held as evidence of such redemption without such signature of the treasurer.

Cases of joint tenants.

SEC. 76. *Be it further enacted*, That when any joint tenants, tenants in common, or copartners, shall be entitled to redeem real property sold for taxes, and any person so entitled shall refuse or neglect to join in the application for the certificate of redemption, or from any cause cannot be joined in such application, the probate judge may entertain the application of any one of such persons, or so many as shall join therein, and may make a certificate for the redemption of such proportion of said real property as the person or persons may be entitled to redeem, and such certificate shall take the same course as that provided in the preceding section of this act.

Deeds for property purchased.
When given.

SEC. 77. *Be it further enacted*, That immediately after the expiration of the term of two years from the date of the sale of any real property for taxes under the provisions of this act, the probate judge then in office shall make out a deed for each lot or parcel of real property sold and remaining unredeemed, and deliver the same to the purchaser upon the return of the certificate of purchase and the payment of one dollar for the deed; but any number of parcels of real property bought by one person may be included in one deed, as may be desired by the purchaser.

Form of deed.

SEC. 78. *Be it further enacted*, That deeds executed by the probate judge shall be substantially in the following form:

Know all men by these presents: That whereas the following described real property, viz., (here follows the description,) situated in the county of —, and State of

Alabama, was subject to taxation for the year (or years) A. D. ———; and

Whereas, The taxes assessed upon said real property for the year or years aforesaid, remained due and unpaid at the date of sale, hereinafter named; and

Whereas, The tax collector of said county did on the — day of —, A. D., —, by virtue of the authority in him vested by law at (an adjourned sale of) the sale begun and publicly held on the first Monday of —, A. D., eighteen —, exposed to public sale at the court-house (or office of the Probate Judge), in the county aforesaid, as required by the statute in such cases made and provided, the real property above described, for the payment of taxes, fees, penalties and costs then due and remaining unpaid on said property; and

Whereas, At the time and place aforesaid, A. B., of the county of —, and State of —, having offered to pay the sum of — dollars and — cents, being the whole amount of taxes, interest, penalties and costs then due and remaining unpaid on said property for (here follows the description of the property sold) which was the least quantity bid for; and payment of said sum having been by him made to the tax collector, the said property was stricken off to him at that price; and

Whereas, The said A. B., did, on the — day of —, eighteen —, duly assign the certificate of the sale of the property as aforesaid, and all his right, title and interest to said property to E. F., of the county of —, State of —; and

Whereas, Two years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law;

Now, therefore, I, C. D., Judge of Probate for the county aforesaid, for and in consideration of the said sum to the tax collector, paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell, unto the said A. B., or (E. F.) his heirs or assigns, the real property last hereinbefore described, to have and to hold unto him the said A. B. or (E. F.), his heirs and assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof, I, C. D., Judge of Probate aforesaid, have hereunto subscribed my name on the — day of —, eighteen —.

[Signed]

C. D.,
Judge of Probate.

STATE OF ALABAMA, }
County of ———, } ss.

I hereby certify that before me, ———, ——— in and for said county, personally appeared the above named C. D., Judge of Probate of said county, personally known to me to be the Probate Judge of said county, at the date of the execution of the above conveyance; and to be the identical person whose name is affixed to, and who executed the above conveyance as Probate Judge of said county, and who acknowledges the execution of the same to be his voluntary act and deed as Probate Judge of said county, for the purposes herein expressed.

Given under my hand and seal, this — day of — —, A. D. eighteen —.

[Signed] _____.

Signing and
acknowledgement of deed.

Evidence in
court.

Suits.

Evidence.

When purchase money
to be refunded.

SEC. 79. *Be it further enacted*, That the deed shall be signed by the Probate Judge in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements of deeds; and when substantially thus executed and recorded in the proper record of titles to real property, shall vest in the purchaser all right, title, interest and estate of the former owner in and to the land conveyed, and also the right, title, interest and claim of the State and county thereto, and shall be *prima facie* evidence in all the courts of this State, in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the land thereby conveyed, of the facts recited in the deed.

SEC. 80. *Be it further enacted*, That in all suits, controversies involving the question of title to real property, held under and by virtue of a Probate Judge's deed, all acts of assessors, collectors, Probate Judges, and other officers *de facto*, shall be deemed and construed to be of the same validity as acts of officers *de jure*.

SEC. 81. *Be it further enacted*, That the books and records belonging to the offices of the probate judge and tax collector, or copies thereof properly certified, shall be deemed sufficient *prima facie* evidence to prove the sale of any real property for taxes, or the redemption thereof, except as otherwise herein provided.

SEC. 82. *Be it further enacted*, That whenever it shall be made to appear to the satisfaction of the probate judge, before the execution of a deed for real property,

sold for taxes, that any tract or lot was sold which was not subject to taxation, or upon which the taxes had been paid previous to the sale, he shall make entry opposite such tract or lot, on the record of sales, that the same was erroneously sold, and such entry shall be evidence of the fact therein stated.

SEC. 83. *Be it further enacted*, That no action for the recovery of real property sold for the non-payment of taxes shall lie, unless the same be brought within five years after the date of the sale thereof for taxes as aforesaid, (anything in the statute of limitations to the contrary notwithstanding) : *Provided*, That where the owner or owners of such real property, sold as aforesaid, shall at the time of such sale be minor or minors, or insane, one year after such disability is removed shall be allowed such person or persons, their heirs or legal representatives, to bring their suit or action for the recovery of the real property so sold.

Limitation of suit.
Proviso.

SEC. 84. *Be it further enacted*, That it shall be the duty of the Probate Judge to furnish the tax assessor, on or before the first day of March in each year, a list of all agents for insurance companies in his county, with the names of the companies they represent.

List of insurance agents.

SEC. 85. *Be it further enacted*, That the court of county commissioners of each county shall, at their first session after the passage of this act, provide for a plat of the county, unless one has been heretofore supplied, showing by section, township and range all the land in their county; the section shall be numbered with the number given in the United States surveys, and such sections or parts of section as belong to the United States shall be designated. If any court of county commissioners shall fail to comply with this section, each member thereof shall be fined fifty dollars.

Plat of county.

SEC. 86. *Be it further enacted*, That the assessor shall make returns to the Judge of Probate on or before the first Monday in July in each year, and take a receipt therefor; and the book shall be open for the examination and inspection of all persons, but he shall be allowed until September first to make supplemental returns.

Assessors returns.

SEC. 87. *Be it further enacted*, That the court of county commissioners shall convene on the second Monday in July, and examine the assessor's returns, and if any errors are found therein, to enter the same on a docket

Meeting of Board.

to be kept for that purpose, and shall immediately issue notices to all persons interested in such errors.

Meeting in
August to hear
cases.

SEC. 88. *Be it further enacted*, That said court of county commissioners shall convene on the third Monday in August, and hold a term of said court for the purposes of hearing the cases provided for in the preceding sections; and shall, if the notice therein provided for has been given, proceed to determine the same upon the evidence offered, but no assessment shall be changed, except upon evidence duly taken by the court. All changes or corrections made shall be entered upon the docket, which shall be signed by all the members of the court who are present, and the tax assessor shall correct the assessment books accordingly.

Appeal to
Board.

SEC. 89. *Be it further enacted*, That any person feeling aggrieved by any assessment made by the assessor, may appeal to said August term of the commissioners court for the correction of the same.

Valuation de-
fined.

SEC. 90. *Be it further enacted*, That the intent and purpose of the foregoing sections is to have all property assessed for taxation at what it would sell for at a fair open sale, and to have equal justice done to all tax payers; and the court of county commissioners is hereby vested with full power to carry that purpose into effect, at the times and in the manner set forth in said sections. The county commissioners are also invested with power, when lists of assessments of lands assessed to owners unknown, contain large tracts, or the lands of different persons, to direct that the same be divided for the convenience of the tax payers.

Probate Judge
to certify upon
Asses'srs' books

SEC. 91. *Be it further enacted*, That after the adjournment of said August term of the commissioners court, and the assessor has corrected his books as required by section eighty-eight, it shall be the duty of the Probate Judge to certify upon the assessor's books, that the same have been examined and corrected in the manner prescribed in the preceding sections, and that the amount of the State tax is ——— dollars, and the county tax ——— dollars; total tax on property ——— dollars, and on polls ——— dollars.

Abstract for
Auditor.

SEC. 92. *Be it further enacted*, That it shall be the duty of the Judge of Probate to make out and forward to the Auditor of State, within five days after the adjournment of the court of county commissioners, a complete abstract of the assessment of all real and personal property in his county, showing the total amount and

value of each class of taxable property contained therein, extended into a column, and a statement of the polls in each precinct in his county, and the total amount of such sums as extended.

SEC. 93. *Be it further enacted*, That it shall be the duty of the court of county commissioners, at the July term, to proceed to levy the amount of taxes required Levy of county tax and limit. for their county for that year, not to exceed one-half of one per centum on the value of all taxable property therein as assessed for revenue to the State; and after the commissioners court shall have received the books from the tax assessor, and they shall have corrected errors as provided in this act, the Probate Judges shall make a book containing in a concise form, the amount of taxes due by each tax payer, which book shall show the amount of tax on real estate and personal property separately, together with the fees of the assessor and collector, which book shall be turned over by the Judge to the tax collector on or before the first day of September in each year; *Provided*, this act shall not Tax book for collector. be construed as to repeal any acts authorizing commissioner's courts to levy special tax for special purposes. Proviso.

SEC. 94. *Be it further enacted*, That it shall be the duty of the Probate Judge and assessor in each county, during the August term of the commissioners court each year, to destroy all the tax lists prior to the assessment lists of the last five years preceding, and the books of assessment for previous years shall hereafter be deemed evidence of the contents of such lists. Tax lists to be destroyed.

SEC. 95. *Be it further enacted*, That it shall be unlawful for any person, firm, company or corporation to engage in or carry on any business or profession hereinafter mentioned, or do any act in the nature of carrying on or engaging in such business or profession, without first having paid for and taken out a license therefor, in Licenses required. the manner hereinafter provided.

SEC. 96. *Be it further enacted*, That before any person, firm, association, company or corporation shall do any act in the nature of the business named in sections one hundred and two and one hundred and three of this act, he or they shall pay to the judge of probate of the county in which it is proposed to do such act or carry on such business or profession the amount required by law for such license, taking his receipt therefor. Payment in advance.

SEC. 97. *Be it further enacted*, That upon the payment of such amount to the probate judge, if found to be for

Specifications
of license.

the amount required, said probate judge shall thereupon forthwith issue the license, which shall set forth the name of the person, firm, company or corporation, the business which it is proposed to carry on and the location where it is to be established, or if a peddler, whether he proposes to travel on foot, on a horse, or in a wagon; and such license shall not be transferable, nor shall it entitle the holder thereof to carry on or exercise any other business or profession, than the one therein named, nor at any other location than the one therein specified; and the probate judge shall be paid for making out such license a fee of fifty cents by the person receiving the same.

Fee of Probate
Judge.

Statement for
Solicitor.

SEC. 98. *Be it further enacted*, That the probate judge in each county, on the first day of each circuit court, must furnish to the acting solicitor, to be by him laid before the grand jury, a statement in writing showing the licenses granted and the taxes received thereon within the last twelve months preceding such court, to whom and for what such license was granted.

List quarterly
to Auditor.

SEC. 99. *Be it further enacted*, That in the second week in March next, and every three months thereafter, the judge of probate shall forward to the Auditor of the State a certified list of all licenses issued by the probate judge, together with the money received by him on such licenses, and shall receive the same per cent. for such services as allowed by law for receiving and paying out money for the counties.

Expiration of
licenses.

SEC. 100. *Be it further enacted*, That all licenses shall expire on the thirty-first day of December in each year, and shall be for one year, unless the business licensed shall commence after the first of July, in which case the price of the license shall be one-half the amount of a year's license.

Penalty for
doing business
without li-
cense.

SEC. 101. *Be it further enacted*, That any person who after the first Monday in April, eighteen hundred and seventy-five, and after the first Monday in March of each succeeding year, shall be engaged in or carry on any business or profession, or do any act, for the doing, prosecuting or carrying on of which a license is by law required to be taken out, without having paid for and taken out such license, shall be deemed guilty of a misdemeanor, and shall be fined three times the amount of such license, and may be confined in the county jail not exceeding one year, at the discretion of the court.

SEC. 102. *Be it further enacted*, That the price of licenses shall be as follows, to-wit:

1. For each public race track, at or within two miles of any city or town containing less than five thousand inhabitants, fifty dollars; at or within ten miles of any city or town containing more than five thousand inhabitants and less than ten thousand inhabitants, one hundred dollars; any city over ten thousand inhabitants, two hundred dollars. Public race track.

2. For lottery ticket dealers, three thousand dollars. Lotteries.
Every person, association, firm or corporation, under whatever name, who shall make, sell, or offer to sell, lottery tickets or fractional parts thereof, or any token, certificate or device, representing or intending to represent a lottery ticket or fractional part thereof, whether such lottery is claimed to be authorized by the law of this or any other State or country, or shall manage any lottery, or prepare schemes of lotteries, or manage the drawing of any lottery, shall be deemed a lottery ticket dealer. Definition of lottery.

3. For carrying on a gift enterprise, three thousand dollars. Gift enterprises
Every person, firm, association or corporation who shall sell or offer for sale any real estate or article of merchandise of any description whatever, or any ticket or tickets of admission to any exhibition or performance with a promise, express or implied, to give or bestow, or in any manner hold out the promise of gift or bestowal of any article or thing for and in consideration of the purchase by any person of any other article or thing, shall be regarded as a proprietor of a gift enterprise. Definition.
On every article, piece of property, or money put up or disposed of by raffle, in each or any tax year, a tax at the rate of five per cent. *ad valorem* on the amount at which the same is put up; but a permit or license for such raffle must be first obtained from the probate judge, and the tax herein assessed must be paid to the said judge, as hereinafter provided, before such license can be issued, under penalty of the forfeiture of such property. Raffles.
The managers of any fair for the benefit of any charitable, benevolent or religious association, upon making proof to the probate judge aforesaid, and obtaining his certificate to that effect, that the proceeds thereof will be strictly applied to such charitable, benevolent or religious purposes, shall not be deemed to be within the provisions of this section. Charitable, benevolent or religious associations exempted.

4. For retailers in spirituous, vinous or malt liquors, Retailers of liquors.
on any steamboat or water craft, one hundred dollars;

in any city, town or village of less than one thousand inhabitants, or any other place, seventy-five dollars; and in any city, town or village of more than one thousand and less than five thousand inhabitants, one hundred dollars; in any city of over five thousand inhabitants, one hundred and twenty-five dollars. Any person who shall sell or dispose of spirituous, vinous or malt liquors or intoxicating bitters, in any quantity less than one quart shall be deemed a retail dealer; *Provided*, that each retailer of spirituous, vinous or malt liquors outside the following described boundaries in the city of Mobile, to-wit: right bank of Mobile river on the east, Church street on the south, Joachim street on the west, St Michael street on the north, shall be charged a State license at the same rate as is imposed upon parties in any incorporated city, town or village of more than one thousand and less than five thousand inhabitants, including those settled on the north side of St. Michael street, on the west side of Joachim, and on the south side of Church street; provided further, that dealers in lager beer exclusively shall be charged one-fourth the rates charged for license for selling ardent spirits; provided further, that any person who takes out and pays for a retail license as herein provided, shall not be required to take out a license as a wholesale dealer.

Definition of
retail dealer.

Exception in
Mobile.

Lager beer
dealers.

Wholesale
dealers.

Further defini-
tion of retail
dealer.

Definition of
wholesale deal-
er.

5. For wholesale dealers in spirituous, vinous or malt liquors, in any place of less than one thousand inhabitants, thirty dollars; and in any place of over one thousand and under three thousand inhabitants, fifty dollars; in any city of over three thousand inhabitants, seventy-five dollars. That any person dealing in said articles who shall sell, give away, barter or exchange or in any way dispose of, or permit to be taken, spirituous, vinous or malt liquors, in any quantity less than one quart, or who shall permit the same to be drank by the glass or single drink, in or about his place of business, shall be deemed a retail dealer; and any dealer so disposing of spirituous, vinous or malt liquors, only in quantity of one quart or more, shall be deemed a wholesale dealer; provided, that any person having taken out a license as a retail dealer is authorized to sell at wholesale without additional license.

Compounders
and rectifiers.
Definition.

6. For compounders and rectifiers of spirituous or vinous liquors, fifty dollars. Any person who rectifies, purifies or refines distilled spirits or wines by any process, or who mixes distilled spirits or wines with any

chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier; but a whole-sale dealer who pays under the preceding paragraph an equal or larger license tax, shall be exempt from this tax. Exemption.

7. For distillers of spirituous liquors, fifty dollars; provided, it shall not apply to the distilling of fruits. Distillers.

8. For brewers, fifteen dollars. Brewers.

9. For wholesale dealers in tobacco and cigars, seventy-five dollars. For retail dealers, twenty-five dollars. A wholesale dealer in tobacco is a person whose business is chiefly in dealing therein, and who sells in quantities of a larger amount than ten dollars; a retail dealer is one who sells in quantities of less than ten dollars in value and whose sales are chiefly of tobacco in any form. Dealers in tobacco.
This shall not apply to dealers in general merchandise. Definition.

10. For livery stable keepers, twenty-five dollars in towns and cities of over five thousand inhabitants, and under that fifteen dollars. On all ferries and toll bridges where the annual gross receipts exceed one hundred dollars and is less than three hundred dollars, five dollars; where it is over seven hundred and less than fifteen hundred dollars, twenty-five dollars; all over fifteen hundred dollars, one hundred dollars: and the amount of license shall be determined by the receipts of the preceding year; but if newly established, for the first year the lowest rate of license shall be paid. Livery stables.
Ferries and toll bridges.

11. For horse and mule dealers, twenty dollars. The payment of this tax to the State, evidenced by the receipt of any judge of probate, shall exempt from payment of this license in any other county. Horse and mule dealers.

12. For brokers in towns of less than five thousand inhabitants, seventy-five dollars; over five thousand inhabitants, one hundred dollars. Any person whose business it is to negotiate for or deal in stocks, bonds, exchange, bullion, coin, bank notes, promissory notes, or other securities of any name, nature or kind, shall be deemed a broker. Brokers.
Definition.

13. For pawn-brokers, fifty dollars. Pawnbrokers.

14. For real estate agents, fifty dollars; but license for this business shall authorize the sale at auction of any real estate in the hands of such agent to sell. Real estate agents.

15. For each agent of an insurance company, twenty-five dollars, and for each sub-agent ten dollars, for each company represented. The payment of this tax to the State, evidenced by the receipt of any probate judge, Agents of insurance companies.

shall exempt from payment of this license in any other county.

Dentists.

16. For dentists, ten dollars.

Physicians.

17. For physicians and surgeons, ten dollars.

Lawyers.

Proviso.

18. For lawyers, ten dollars; provided, that subdivisions 16 and 17 and 18 shall not apply to any one who has not been licensed three years, and that physicians, surgeons, dentists and lawyers having taken out a license in one county may practice in any county in the State.

Druggists.

19. For druggists in any city or town of less than one thousand inhabitants, and in the country, ten dollars; in any city or town of more than one thousand and less than five thousand inhabitants, twenty dollars; in any city of over five thousand inhabitants, thirty dollars; *Provided*, that druggists shall not sell vinous, malt or spirituous liquors, except as a medicine, without a license as required by the fifth subdivision of this section.

Proviso.

Commission
merchants and
brokers.

20. For commission merchants and brokers, in any article other than money, and all other merchants and dealers not herein otherwise named, twenty-five dollars.

Peddlers.

21. For peddlers in a wagon, forty dollars; for peddlers on a horse, twenty dollars; for peddlers on foot, ten dollars. A peddler's license shall entitle him to peddle only in the county where it is taken out; *Provided*, that this shall not apply to any articles produced or manufactured in this State, except as hereinbefore provided.

Bowling alleys

22. For bowling alleys for whose use money or other compensation is charged, twenty-five dollars for each alley.

Billiard tables.

23. For billiard tables for whose use money or any compensation is charged, twenty-five dollars for each table; and this amount for every billiard table on the premises where a bar or drinking saloon is kept, whether its use is charged for or not.

Pool, bagatelle
or Jenny Lind
tables.

24. For any table on which the game of pool is played, one hundred dollars.

25. For bagatelle or Jenny Lind tables, fifty dollars; and the same amount for any other table or device of any kind from which any kind of profit is derived to the keeper.

Theatres.

Proviso.

26. For theatres, fifty dollars; provided, that the owners or managers of theatres holding such licenses must issue tickets of admission to all persons whom they admit to their exhibitions and must thereon assign a particular seat to each such visitor in such part of said the-

atre as the convenience of said owners or managers may require.

27. For dealers in pistols, bowie knives and dirk knives, whether the principal stock in trade or not, twenty-five dollars. Dealers in pistols, &c.

28. For auctioneers, twenty-five dollars. Auctioneers.

29. For dealers in prize candy, twenty dollars. Prize Candy.

30. For fortune telling, one thousand dollars; and butchers, fifteen dollars. Fortune tellers. Butchers.

31. For peddlers of patent medicines or other articles of like character, the sum of twenty-five dollars for each county in which they may peddle. Patent Medicines.

32. For each sewing machine company selling sewing machines by themselves or their agents, the sum of two hundred dollars. The payment of this tax to the State evidenced by the receipt of any probate judge, shall exempt from payment of this license in any other county. Sewing machine companies.

Sec. 103. *Be it further enacted*, That licenses may be granted for the following occupations for the term hereinafter specified: Temporary licenses.

1. For each exhibition of a circus, fifty dollars.

2. For each exhibition of a menagerie or museum, twenty dollars.

3. For each exhibition of a side show accompanying a circus, menagerie, or museum, ten dollars.

4. For concerts, musical entertainments and public lectures, where charges are made for admission and not given for charitable purposes, each entertainment five dollars. By exhibition in subdivisions 1, 2 and 3 above, is meant for each and every performance.

5. For the business of taking pictures, by whatever mode or on whatever material, ten dollars.

6. For each barber shop or establishment in incorporated towns of less than two thousand inhabitants, ten dollars; in every town or city over two thousand twenty dollars.

7. For each shooting gallery, twenty-five dollars.

8. For each chicken or cock-pit, one hundred dollars.

SEC. 104. *Be it further enacted*, That the courts of county commissioners are hereby authorized to add to the price of licenses, for county purposes, such sums as they may designate, not to exceed fifty per cent. on the State licenses; and the judge of probate is allowed two and a half per cent. for the collection and payment of the license money received under this act to the officer to County licenses.

whom it is to be paid, to be deducted from his said collections.

Steamboat re-
tailers.

SEC. 105. *Be it further enacted*, That the licenses for selling liquors on steamboats may be taken out in any county through which they run when the port or landing at which they stop is also the county seat, and must be kept posted up in plain sight within the bar which shall entitle them to so retail without further license.

Licenses post-
ed.

SEC. 106. *Be it further enacted*, That all licenses for selling liquors by retail must be kept posted up in plain sight near the bar. A failure to comply with this and the preceding section forfeits the licenses.

Duty of audit-
or.

SEC. 107. *Be it further enacted*, That the Auditor of the State shall furnish each probate judge with blank licenses, and hold such judges accountable for the number of blanks furnished, and all licenses must be made out on the blanks so furnished, and the judges of probate must make to the auditor monthly reports of all licenses issued by him during the preceding month, and must make monthly payments to the officer appointed by law to receive such payments of all license money collected by him during the preceding month.

Duty of pro-
bate judges.

Auditor to pre-
scribe forms.

SEC. 108. *Be it further enacted*, That the Auditor of State shall from time to time prescribe such forms as he may deem necessary to carry into effect the provisions of this act, and it shall be the duty of the Attorney General to decide all questions which may arise as to the true construction of this act, or in relation to the duty of any officer under this act; and such decisions of the Attorney General shall protect the officer obeying the same against any claim on the part of the State.

Attorney Gen-
eral to decide.

In case of col-
lector's death.

SEC. 109. *Be it further enacted*, That in case of the death of any tax collector, his executor or administrator must, within two months after the grant of letters testamentary or of administration, settle all of the unsettled accounts of such collector with the auditor, and pay into the State treasury all moneys received by such collector on account of the State, deducting therefrom all fees, commissions and allowances to which, by law, he is entitled.

Preference
lien.

SEC. 110. *Be it further enacted*, That for the taxes imposed by virtue of this act, the State shall have a preference lien over all incumbrances and securities whatsoever, and all taxes assessed against any person or persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real

and personal estate of such persons within the county in which the assessment is made, from the first day of January of that year. A lien is also created on all steamboats or other water craft, for the amount required by law to be paid for a license to retail vinous or spirituous liquors on such steamboats or water craft, to be enforced whenever such liquors are retailed by any person on any such boat or water craft, with the knowledge or consent of the captain, without having first procured a license as provided by law; and the tax collectors of the counties of Mobile, Barbour, Cherokee and Madison, or other counties where such vessels may ply, are required to enforce this lien in the same manner and by the same proceedings as by this act authorized for the collection of taxes on steamboats, which amount shall be collected for each offense.

SEC. 111. *Be it further enacted*, That the tax collector of Mobile county must, after the time for commencing his annual collections, deposit at the end of each thirty days in the First National Bank of Mobile, and the tax collector of Dallas county must in like manner deposit in the City National Bank of Selma, and the tax collector of Montgomery county must in like manner deposit in the First National Bank of Montgomery, in like manner, to the credit of the State treasurer, the amount of taxes for the State collected by him up to the date of each such deposit, deducting therefrom the fees and allowances made him by law, taking triplicate receipts therefor, one of which he must forward within five days to the auditor of public accounts, one to the State treasurer, and the other he shall keep as his voucher; *Provided*, that if in the opinion of the auditor and the Governor either of such depositories become unsafe, and there is danger of loss or delay to the State in the receipt of money so deposited, said officers may select and appoint some other good and safe depository in said cities, with or without bonded security and sureties, as they may deem the interest of the State requires.

SEC. 112. *Be it further enacted*, That the tax collectors of the several counties of this State shall make a written report, under oath, on the first and third Saturdays of each month, by twelve o'clock, meridian, of those days, to the treasurer of the county, or if there be no such officer, to the judge of probate of the county in which he is such collector, setting forth the amount of money collected by him for the State and county taxes since

Lien on steamboats.

Certain collector's to deposit

Proviso.

Collectors report twice a month.

Probate judge
report to Au-
ditor.

his last report, the kind of money, orders or warrants, in which the same was paid to him, the beat or tax district in which the collection was made, or in which the tax payer resides. The said county treasurer and judge of probate, or the latter named officer, if there be no county treasurer, shall, by twelve, meridian, of the Monday next succeeding, compare said report with the assessment book or lists of said county, and said judge of probate shall forthwith report to the Auditor of the State, a statement of the collections so reported by the collector.

When collect-
ors to pay over

SEC. 113. *Be it further enacted*, That the tax collectors of the several counties of this State (except the collectors for Mobile, Dallas, and Montgomery counties, whose duties in this respect are prescribed by section one hundred and eleven of this act) shall, by the last Saturday of November, January, March, May, July and September of each year, pay to the Treasurer of the State all the taxes due to the State for collections made by them respectively. If any tax collector, without good and sufficient cause, to be decided by the Governor of the State, fail to comply with the requirements of this and the preceding section, he shall be suspended by the Governor from the further performance of the duties of his office, and shall remain suspended unless the General Assembly, by joint resolution, restore him to his office. During such suspension the Governor shall appoint some suitable person as tax collector for such county, who shall perform the duties of the office after qualifying therefor as required by law, and who shall be amenable to all the rules, regulations, requirements and responsibilities declared by this act.

Penalty for
failure.

Governor to
appoint.

Judgment
against de-
faulters.

SEC. 114. *Be it further enacted*, That summary judgments must be rendered in favor of the State against the defaulters hereinafter named, and their sureties, in any court of the county of Montgomery having jurisdiction, on ten days notice.

Penalties.

1. Against any tax assessor for failing to comply with the requirements of sections 33 and 34, not more than five hundred dollars, and may be imprisoned in the county jail for not longer than three months.

2. For making up a false or fraudulent assessment, for each offense, not more than five hundred dollars, and may be imprisoned in the county jail for not longer than three months.

3. For willful neglect or failure to perform the duty

required of him in section three, for not more than two hundred dollars.

4. For willful neglect of any other duty, for any sum at the discretion of the court, not exceeding fifty dollars.

5. Against any county treasurer for failing to pay over the excess of purchase money, as provided in section fifty-two, to the former owner of any property sold for taxes, for not less than two hundred dollars.

6. Against any probate judge for failing to make out and forward abstracts or reports or returns according to the requirements of this act, for no more than five hundred dollars.

7. For issuing a license to retail or wholesale liquor dealers for a less time than six months, for each offense, not less than one hundred dollars.

8. Against any county collector for failing to comply with sections fifty-nine, sixty and sixty-one, for not more than two hundred dollars.

9. Against any tax collector, for knowingly collecting more tax from any person than authorized by law or justified by the assessment, for each offense, not more than five hundred dollars.

10. For failing to make the statement provided by section fifty within the time required, for each week he so fails not more than five hundred dollars.

11. For not paying over surplus of sale, as provided in section fifty-two, for not more than one hundred dollars.

12. For violation of section fifty-three, for not more than two hundred dollars.

SEC. 115. *Be it further enacted*, That if any officer or person knowingly converts or applies any of the revenue of the State, or of any county thereof, to his own use, or the use of any other person, he shall be deemed guilty of a felony, and upon conviction thereof be fined not less than two hundred nor more than one thousand dollars, and be imprisoned in the penitentiary not less than one year, one or both, at the discretion of the court trying the same. Embezzlem't

SEC. 116. *Be it further enacted*, That if any officer or person on whom any duty is imposed by any section of this act wilfully neglects to perform such duty, in case no other provision has been made for the punishment of such neglect, he is guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than twenty nor Negl't of duty

more than two hundred dollars at the discretion of the court trying the same.

Fraudulent tax list.

SEC. 117. *Be it further enacted*, That any tax payer who shall knowingly render a false or fraudulent tax list for the purpose of defrauding the State or his county, shall be deemed guilty of a misdemeanor, and fined, on conviction, not less than fifty nor more than two hundred dollars, at the discretion of the court trying the same.

Penalty for refusal or evasion.

SEC. 118. *Be it further enacted*, That any tax payer refusing or wilfully failing to render a return of any item specified in this act, or who shall evade or attempt to evade a compliance with the revenue laws of this State, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty nor more than two hundred dollars, at the discretion of the court trying the case.

Assessor's affidavit.

SEC. 119. *Be it further enacted*, That the tax assessor shall, before he begins the assessment in each year, file in the probate court of his county an affidavit that he will diligently and carefully seek to ascertain each and every article and subject of taxation within his county, and that he will faithfully discharge all the duties imposed on him by law; and if such affidavit be falsely made, such assessor shall be guilty of perjury, and punished accordingly; and the probate judge at the end of each tax year shall file an affidavit in the court of county commissioners of their county, that he has faithfully discharged his duties under the tax law, and has made the collections and returns as required by law, and that his returns and statements as required by law show a full and complete amount of the tax derived through his office under the revenue laws. And if such affidavit be knowingly and falsely made, he shall be guilty of perjury, and punished accordingly.

Forfeiture of half pay.

SEC. 120. *Be it further enacted*, That any assessor, collector, or judge of probate, who fails, knowingly, to discharge his duties as required in this revenue law, shall forfeit one-half of his pay under the revenue law, for the use of the county; which sum may be recovered by motion in the circuit court of the county, as provided for in the Revised Code against tax assessors, and it shall be the duty of the county solicitor to make the motion; but any other person may make it.

SEC. 121. *Be it further enacted*, That the auditor of the State shall, immediately after the passage of this act,

publish not less than three thousand copies of the same, together with all laws in relation to public revenue not in conflict with this act. Such publication shall be in pamphlet form, properly indexed and with marginal notes, and shall contain such forms as he may deem necessary to carry this act into execution. Auditor to publish revenue laws.

SEC. 122. *Be it further enacted*, That from and after the date of the passage of this act, each tax collector shall make returns and forward the tax money in his hands from time to time, to the proper authorities, so that at no one time shall he have funds in his possession exceeding one-half the amount of his bond. Payments by tax collectors.

SEC. 123. *Be it further enacted*, That any tax collector failing to comply with the one hundred and twenty-second section of this act, except for good cause, shall be guilty of embezzlement of public funds, and shall be liable, on conviction, to a fine not exceeding ten thousand dollars and imprisoned in the penitentiary not exceeding two years. Penalty for failure.

SEC. 124. *Be it further enacted*, That the probate judge is required, upon the redemption of land, to notify the tax assessor and collector thereof within thirty days after said redemption, and within ten days after demand, by either of said officers, shall pay to the officer so demanding the amount of costs and charges, to which said officer demanding is entitled upon the land redeemed. Notice of redemption of lands.

SEC. 125. *Be it further enacted*, That all laws and parts of laws of a general character raising revenues for this State, which are in conflict with the provisions of this act, be and the same are hereby repealed; but the act entitled an act to amend section 957 of the Revised Code, and the statutes providing for retaining in the several counties of this State their proportional share of the school fund, shall not be affected by the provisions hereof; nor shall this act repeal the act entitled an act to fix the rate of taxation upon shares of national banking associations and savings banks, approved February 27, 1875; nor shall proceedings now pending in civil or criminal suits for the enforcement of the revenue laws of this State be affected by the passage of this bill. Repeal.

Approved March 19, 1875.

No. 2.]

AN ACT

To continue in force certain parts of the revenue laws, in force on the first day of January, 1875, regulating the assessment of property.

Certain acts
continued in
force.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all of the provisions of the several acts in force on the first day of January, 1875, regulating the assessment of property for taxation, be and are hereby revived and continued in force for the current fiscal year; and that all acts done and assessments made by tax assessors in discharge of their duties as prescribed by said acts are hereby legalized to all intents and purposes, as if the same had never been repealed; *Provided,* That all the provisions of the act for the collection of revenue in this State, except as above declared, passed at this session of the General Assembly, shall be operative from its passage.

Approved March 19, 1875.

No. 3.]

AN ACT

To extend the time for taking out licenses in this State for the current year.

WHEREAS, it has been expected that a change in the revenue law would take place, and on that account many persons required by law to take out a license have deferred the same, in anticipation of the change; therefore,

Time for tak-
ing out licens-
es extended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the time for taking out licenses for the current year under the revenue laws of this State, be and the same is hereby extended until the fifteenth day of April next, and any person taking out a license by the fifteenth day of April next shall be relieved from all penalties that may have accrued on account of the failure to take out a license as required by law; *Provided,* in case prosecutions shall have been commenced, the costs shall be paid as now provided by law.

Approved March 20, 1875.

No. 4.]

AN ACT

To restrict the power of taxation as required by section 16, article XIII, of the Constitution of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the several cities and incorporated towns of this State may respectively levy and collect from the banks and banking and insurance companies, associations and corporations chartered or organized under the laws of this State, located and doing business within their respective limits, a tax upon the market value of the capital stock of each of such banks and banking and insurance companies, associations and corporations, at the same rate per hundred dollars as may be levied and collected by the State for State revenue, and no more, to be paid by the said banks and banking and insurance companies, associations and corporations, in full of all taxes, imposts or assessments for municipal purposes upon the said capital and business, and upon the shares of their said capital stock; *Provided,* Said tax shall not exceed sixty cents on the hundred dollars value of such capital stock, and said municipal corporation, and each of them, are hereby restrained from levying on or collecting from said companies, associations or corporations, their capital, business or shares, any larger or greater tax than that hereinbefore named, under any name or pretense of tax upon capital, profits or income, or business whatever; *Provided,* That any real estate owned by said banks, banking and insurance companies, associations or corporations shall be subject to the same rate of taxation as similar property otherwise owned or subject to taxation for municipal purposes; *And provided,* Said municipal corporations may demand and receive from each of said companies, associations or corporations a license tax not exceeding one hundred dollars.

Rate of taxation the same as may be levied by State for State revenue.

Not to exceed 60 cents on the \$100.

Subject to taxation for municipal purposes.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23, 1875.

No. 5.]

AN ACT

To fix the rate of taxation upon the shares of National Banking Associations and Savings Banks in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there shall be annually levied and collected a State tax of seventy-five cents on each share of one hundred dollars of the capital stock of every national banking association, and upon each share of one hundred dollars (or if the shares be of a different amount, in that proportion,) of each and every savings bank located within the State of Alabama; the same to be paid by each such association for the shareholders thereof, to the tax collector of the county where each such association is located; and the same shall be in lieu of all other State, county, and municipal taxation on such shares; and shall be assessed and collected at the same times that other State taxes are assessed and collected.

Approved February 27, 1875.

No. 6.]

AN ACT

To secure good and sufficient sureties upon the bonds of the county officers of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the bonds of the judge of probate, judge of the county court, sheriff, clerk of the circuit court and city court, tax collector, tax assessor, and county treasurer, of the several counties in this State, shall be invalid and insufficient in law unless the sureties upon such bonds respectively reside in the county in which the duties of such officers are to be performed.

SEC. 2. *Be it further enacted,* That a bonded State, county, or municipal officer of this State, or bonded officer of the United States, shall not be deemed a surety under this act; *Provided,* That this section shall not apply to justices of the peace, notaries public, constables and postmasters.

SEC. 3. *Be it further enacted,* That the aggregate value of the real and personal property of the sureties upon

each bond required to be given by the officers mentioned in this act, over and above their liabilities, and property exempted by the laws of this State, shall equal in amount the penalty of such bond, and shall be located in the county where the principal resides.

Aggregate value of property of surety must equal penalty of bond, and be located in county.

SEC. 4. *Be it further enacted*, That each bond required to be given by the officers mentioned in this act shall be a lien upon the property of the officer giving the same, from the date of the execution thereof.

Lien.

SEC. 5. *Be it further enacted*, That the bonds of the several officers mentioned in this act shall be approved by the probate judge of their respective counties, except the bonds of the judges of probate and county courts, which shall be approved by the judge of the circuit or chancellor of the division in which said judge resides.

Approval of bonds.

SEC. 6. *Be it further enacted*, That any officer mentioned in the first section of this act, upon the application of five or more resident freeholders of the county within which said officer discharges the duties of his office, addressed to the chancellor of the division, or circuit judge of the circuit, and verified by the oath of one or more of said applicants, alleging that the bond of said officer is invalid or insufficient for any cause, and setting forth the grounds upon which the allegation is based, may be required to make a new bond, if upon the hearing of said application by said chancellor or circuit judge, it shall appear that said bond is, for any cause, invalid and insufficient.

Five freeholders may petition to have bond declared invalid or insufficient.

SEC. 7. *Be it further enacted*, That upon the making of the application, as provided for in the preceding section to said chancellor, or circuit judge, it shall be the duty of said chancellor, or circuit judge, to forthwith appoint a day, not more than twenty days thereafter, for the hearing of said application, of which time, and the place of hearing the same, the said officer shall have at least ten days notice. If upon the hearing of said application, it shall appear to the satisfaction of said chancellor, or circuit judge, either from oral or written testimony to be produced before him, that said bond for any cause is invalid or insufficient, he shall at once make an order, requiring such officer to make and execute a new bond within fifteen days from the date of such order.

Chancellor or judge must appoint day for hearing.

If invalid or insuffic'nt new bond required.

SEC. 8. *Be it further enacted*, That the application and order, and minute of the proceedings had herein, men-

Papers filed.

tioned in the preceding sections of this act, shall be filed in the office of the circuit clerk of the county in which the officer discharges the duties of his office, except when the application is based upon the invalidity or insufficiency of the bond of the circuit clerk, in which case they shall be filed in the office of the probate judge.

Upon failure to
make new bond
office declared
vacant.

SEC. 9. *Be it further enacted*, That upon the failure of any officer to make and execute a new bond when required to do so, under the provisions of this act, within the prescribed time, the office which he holds is hereby declared vacant; and in such event, it shall be the duty of the circuit clerk in whose office the papers and proceedings are filed to certify such vacancy forthwith to the officer having authority to fill such vacancy, except when such vacancy is in the office of circuit clerk, in which case it shall be the duty of the probate judge to so certify said vacancy, and such officer shall at once fill such vacancy by appointment.

Bond and affi-
davit required.

SEC. 10. *Be it further enacted*, That the chancellor or circuit judge, before fixing the day for the hearing of said application, in addition to the oath verifying said application, must require one or more of said applicants to make oath that said application is not made for the purpose of vexing or harassing the defendant; he must further require the applicants to execute a bond, with sufficient surety, in such amount as may be fixed by said chancellor, or circuit judge, payable to the officer whose bond is alleged to be invalid or insufficient, with condition that said applicants will prosecute said application to effect, and will pay said officer all such damages as he may sustain for the wrongful or vexatious making of such application, together with the costs of the same.

Contents of
oath and con-
dition of bond.

Approved March 17, 1875.

No. 7.]

AN ACT

To provide for the collection of taxes levied for certain purposes therein named.

Collection of
tax levied to
pay judgment
against coun-
ties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever any tax shall be levied by the court of county commissioners of any county in this State, for the purpose of paying any judgment rendered

against said county in any court either of this State or the United States, the tax collector of the county shall collect the said taxes in the same manner and at the same time as he now collects or may hereafter collect the State and county taxes as provided in the revenue laws of this State, except as the same are changed by the provisions of this act.

SEC. 2. *Be it further enacted*, That between the first day of January and the twentieth day of February of each year he shall make a personal demand of each tax payer who has not paid said taxes, of the amount due from him, or leave a notice thereof at his place of residence; and each tax payer who has not paid said taxes by the said twentieth day of February, shall be allowed by that time to point out to the tax collector any property which he may own which shall be amply sufficient to pay said taxes and all costs, and it shall be the duty of said tax collector to levy upon said property for the payment of said taxes. Duty of collector prescribed

SEC. 3. *Be it further enacted*, That when any tax payer shall point out any real estate under this act, he shall make out and deliver to the tax collector a minute description of said lands, stating the number of acres, in what section or parts of section, township and range they are situated, or if it be in a city, town or village, such description as shall sufficiently locate it. Duty of tax payer.

SEC. 4. *Be it further enacted*, That if the said tax payers shall fail to point out any property by the twentieth day of February of each year, the tax collector shall between that date and the twentieth day of March, proceed to levy upon any personal property that the tax payer may have, or if he has none, then upon any real estate that he may own; but in no case shall he be permitted to levy upon more than a sufficient amount of either personal property or real estate than is sufficient to pay such tax and all costs, if he may practically do so. Duty of tax collector on failure taxpayers to point out property.

SEC. 5. *Be it further enacted*, That the tax collector shall sell said property so levied upon before the courthouse door of the county, between the hours of eleven and two, on the first Monday in April of each year, and from day to day thereafter, between the same hours, until all of said property is sold; and he shall apply the proceeds of such sale to the payment, first, to the fees and costs, then to the payment of the taxes, and if there How sold.

be a surplus remaining over, he shall return that to the owner of the property.

Notice to be given.

SEC. 6. *Be it further enacted*, That the tax collector be and he is hereby required to give notice of such sale by putting up a notice on the door of the court-house in said county at least three weeks before the day of sale, which notice shall state the time and place of sale, and contain a description of the property to be sold, the amount of such taxes, and the name of the person against whom they have been assessed.

Redemption.

SEC. 7. *Be it further enacted*, That the owner, or any one claiming under him, of any personal property sold under this act, shall be allowed to redeem the same within two years after the day of sale, by paying the amount of such tax, and eight per cent. per annum thereon, and all costs; and shall be allowed to redeem any real estate sold under this act within five years after the day of sale, by paying the amount of such tax, and eight per cent. per annum, and all costs.

Purchasers to give bond and security before taking possession.

SEC. 8. *Be it further enacted*, That before any one purchasing any personal property under the provisions of this act shall take possession of the same, he shall give bond, with two good and sufficient securities, residents of said county, in double the amount of the value of the property, to be determined by the judge of probate, which said bond shall be made payable to the owner of said property, and approved by the judge of probate, and conditioned that on the redemption of said property he shall deliver the same to the owner thereof, and also pay over to him the value of the use of said property from the time he took possession of the same to the time of its redemption, which said bond, when so approved, shall be delivered to the tax collector, to be turned over to the owner of such property; and if the purchaser fail to give such bond within five days after the sale, the tax collector shall return the same to the owner thereof.

No right of action to accrue until after expiration of time of redemption

SEC. 9. *Be it further enacted*, That no right of action shall accrue to any purchaser of any real estate sold under the provisions of this act until after the expiration of the time of redemption, and he shall have received a deed therefor, as provided for in the revenue laws of this State; and that in all actions brought by the purchaser of any property under this act, or any

person claiming under him, shall be required to show a strict compliance with the provisions of this act.

SEC. 10. *Be it further enacted*, That the tax collector shall be entitled to receive the same fees for proceeding under this act as he is now or may hereafter be allowed for collecting the State and county taxes.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 19, 1875.

No. 8.]

AN ACT

To secure the more faithful collection of the poll tax in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it is made the duty of the several tax collectors of this State, on the first Monday in July in each and every year, to return to the probate judges of their respective counties a sworn statement of the names of all persons who fail to pay their poll tax upon the assessment as made by the tax assessor, or upon assessments made by themselves, a copy of which sworn statement they shall post up at the several voting precincts in their respective counties.

Tax collector to make sworn statement of delinquents.

Copy to be posted at each precinct.

SEC. 2. *Be it further enacted*, That for failure or refusal on the part of any tax collector in this State to perform the duties required of him under the first section of this act, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than (\$100) one hundred nor more than (\$500) five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for not more than (6) six nor less than (1) one month.

Penalty.

Approved March 15, 1875.

No. 9.]

AN ACT

To revise and amend "An act to keep in each county of this State a proportionate share of the public school money," approved April 19, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act entitled "An act to keep in each county of this State a proportionate share of the public school money," approved April 18, 1873, which reads as follows:

Act recited.

"SECTION 1. *Be it enacted by the General Assembly of Alabama,* That each county in this State shall receive as school money all the poll tax collected in such county, and the school money thus received shall be its full distributive share of the aggregate poll tax collected in the State.

"SEC. 2. *Be it further enacted,* That each tax collector shall, at the end of every month, pay all poll taxes collected during such month to his county treasurer, and take his receipt for the same in duplicate, endorsed and approved by the probate judge of his county, and the tax collector shall immediately forward one of these receipts to the State superintendent of public instruction, and a similar receipt shall be received as cash in the settlement of his accounts with the State auditor.

"SEC. 3. *Be it further enacted,* That the superintendent of public instruction shall, by the tenth day of December in each and every year, or as soon thereafter as practicable, apportion to every county in the State the nearest estimate he can make of the amount of school money such county will be entitled to receive for that scholastic year, from all sources, except from poll tax and the special tax, if any levied, for school purposes in any county, and shall certify ninety per cent. of the same to the State auditor, who shall draw his warrant on the tax collector of each county for the amount thus certified, to be paid to the county treasurer of each county, and its payment shall be accounted as the payment of so much school money, and shall stand in lieu thereof.

"SEC. 4. *Be it further enacted,* That such tax collector shall pay the auditor's warrant, provided for in the preceding section, out of any State taxes that may come into his possession, and take up the warrants, together with a receipt from his county treasurer, endorsed and

approved by the probate judge for the amount paid, and this receipt shall be received from the tax collector by the auditor as cash in the settlement of his accounts.

"SEC. 5. *Be it further enacted*, That the superintendent of public instruction shall, as soon as practicable after the first day of May of each year, apportion to each county in the State the balance of the school money that may be due to such county for that scholastic year, and shall certify the several amounts to the State auditor and State treasurer, and shall immediately notify each county superintendent of the amount due his county, and the State treasurer shall separate the amount thus due to each county from all other moneys in the treasury, and shall hold it thus separate, subject only to be disposed of for the benefit of the schools of such county as required by law previous to the passage of this act, or as may hereafter be required by acts of the school board of education.

"SEC. 6. *Be it further enacted*, That it shall be the duty of each county treasurer to keep all money received under the provisions of this act separate and apart from all other moneys, and the same shall be held as school money for his county, and shall not be paid out in any other way than in the manner and under laws provided by the board of education.

SEC. 7. *Be it further enacted*, That before any money shall be paid over to the county treasurer under this act such treasurer shall increase his official bond to such an amount as shall be authorized by the Superintendent of Public Instruction, so that said increase will amount to at least double the sum of money that may be brought into his hands at any one time by the provisions of this act, and said bond shall bind said treasurer to the faithful performance of his duties under this act, and shall be approved by the probate judge of said county, and a copy of said bond, certified by the probate judge, shall be forwarded to the Superintendent of Public Instruction. Act recited.

SEC. 8. *Be it further enacted*, That no additional compensation shall be allowed any county treasurer for services rendered under this act.

SEC. 9. *Be it further enacted*, That nothing in this act shall be so construed as to prevent any school money from bearing its proportionate part of the expense of assessing and collecting the same, nor shall anything be so construed

as to change the mode previously prescribed by law for the payment of school officers for services rendered ; and it is hereby expressly declared that the true and only intent and purpose of this act is to secure the "free public school money," so that it may be promptly applied exclusively to the support and maintenance of the public schools, and that this act shall in no wise interfere with or alter, or change in any respect, the apportionment of the free public school fund, *pro rata*, to the white and colored children of this State within the educational age as now provided by the existing laws of the Board of Education.

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Approved April 19, 1873.

Amendment. —Be and the same is hereby revised and amended so as to read as follows :

Poll tax retained in each county. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That each county in this State shall receive as school money all the poll tax collected in such county, and the school money thus received shall be its full distributive share of the aggregate poll tax collected in the State.

Duty of tax collector. SEC. 2. *Be it further enacted*, That each tax collector shall, at the end of every month, pay all poll taxes collected during such month to his county superintendent of education and take his receipt for the same, in duplicate, endorsed and approved by the probate judge of his county, and the tax collector shall immediately forward one of the receipts to the State Superintendent of Public Instruction, and a similar receipt shall be received as cash in the settlement of his accounts with the State Auditor.

Duty of Supt. Pub. Instruction. SEC. 3. *Be it further enacted*, That the superintendent of public instruction shall, by the 10th day of October in each and every year, or as soon thereafter as practicable, apportion to every county in the State, the nearest estimate he can make of the amount of school money such county will be entitled to receive for that scholastic year, from all sources, except from poll tax and the special tax, if any, levied for school purposes in any county, and shall certify ninety per cent. of the same to the State auditor, who shall draw his warrant on the tax collector of each county for the amount thus certified, to be paid to the county superintendent of education of

each county, and its payment shall be accounted as the payment of so much school money, and shall stand in lieu thereof.

SEC. 4. *Be it further enacted*, That such tax collector shall pay the auditor's warrant, provided for in the preceding section, out of any State tax that may come into his possession, and take up the warrant, together with a receipt from his county superintendent of education, endorsed and approved by the probate judge for the amount paid, and this receipt shall be received from the tax collector by the auditor as cash in the settlement of his accounts, but no preference shall be given by the several tax collectors in the payment of the auditor's warrants drawn under the third section of this act for school money, but shall make payments into the State treasury, and on said warrants in the proportion of the latter to the whole amount of taxes which will probably be collected in his county for the then current fiscal year; *Provided, however*, That the amount of school money appropriated to the several counties respectively shall be first paid to the superintendent of education of said county, for educational purposes in such counties respectively, out of the collections of the State revenue in the said several counties, so that the portion belonging to each county for school purposes shall always be retained in said counties.

Duty of tax collector, and how to pay Auditor's warrant

SEC. 5. *Be it further enacted*, That the superintendent of public instruction shall, as soon as practicable, after the first day of January of each year, apportion to each county in the State the balance of the school money that may be due to such county for that scholastic year, and shall certify the several amounts to the State auditor and State treasurer, and shall immediately notify each county superintendent of the amount due his county, and the State treasurer shall separate the amount thus due to each county from all other moneys in the treasury, and shall hold it thus separate, subject only to be disposed of for the benefit of the schools of such county, as required by law, previous to the passage of this act, or as may hereafter be required by acts of the school board of education.

Further apportionment by State Supt.

SEC. 6. *Be it further enacted*, That it shall be the duty of each county superintendent of education to keep all money received under the provisions of this act separate and apart from all other moneys, and the same shall be

Money kept separate and apart.

held as school money for his county, and shall not be paid out in any other way than in the manner and under laws provided by the board of education.

Bond of Co.
Supt. to be in-
creased.

SEC. 7. *Be it further enacted*, That before any money shall be paid over to the county superintendent of education under this act, such county superintendent shall increase his official bond to such an amount as shall be authorized by the superintendent of public instruction, so that said increase will amount to at least double the sum of money that may be brought into his hands at any one time by the provisions of this act, and said bond shall bind said county superintendent to the faithful performance of his duties under this act, and shall be approved by the probate judge of said county, and a copy of said bond, certified by the probate judge, shall be forwarded to the superintendent of public instruction.

Duty of Co.
Treasurers.

SEC. 8. *Be it further enacted*, That all county treasurers shall at once pay over to the county superintendent of education of their respective counties, all school money now in their hands, and shall also pay over to such county superintendent all school money which may hereafter come into their hands, as soon as the same is received by them.

In cases of
contest, Supt.
Pub. Instruc'n
to receive sch'l
money of such
county.

SEC. 9. *Be it further enacted*, That whenever a contest as to the office of county superintendent of education in any county of this State is pending, the tax collector of such county and the county treasurer of such county shall pay over to the superintendent of public instruction all school money which is in their hands, or which may come into their hands during the pendency of such contest, and it shall be the duty of the superintendent of public instruction to receive the school money of such county, and to deposit the same in the State treasury as a special deposit for the said county; and such money shall be paid out on the warrant of said superintendent of public instruction for the support of the public schools of such county, and to such persons as would be entitled to receive the same from the county superintendent of education; *Provided, however*, That on the final determination of the contest, it shall be the duty of the superintendent of public instruction to pay over any balance not disbursed by him, to the person in whose favor the contest is decided.

SEC. 10. *Be it further enacted*, That it shall be un-

lawful for any person into whose hands or under whose control any of the public school money may come, to use or to permit the use of the same, or any part thereof, except for purposes of the free public schools, and in accordance with the laws regulating the free public schools, and providing for the disbursement of the public school money; and any person violating the provisions of this section shall be deemed guilty of embezzlement.

Penalty denounced for unlawful use of school moneys.

SEC. 11. *Be it further enacted*, That nothing in this act shall be so construed as to prevent any school money from bearing its proportionate part of the expense of assessing and collecting the same, nor shall anything be so construed as to change the mode previously prescribed by law for the payment of school officers for services rendered; and it is hereby expressly declared that the true and only intent and purpose of this act is to secure the "free public school money" so that it may be promptly applied exclusively to the support and maintenance of the public schools, and that this act shall in no wise interfere with or alter or change in any respect the apportionment of the free public school fund, *pro rata*, to the white and colored children of this State, within the educational age, as now provided by the existing laws of the board of education.

Expenses of assessing and collecting sch'l moneys borne out of school fund.

SEC. 12. *Be it further enacted*, That said original act of April 19th, 1873, herein above recited, be and the same is hereby repealed; and all laws and parts of laws in conflict with the provisions of this revised and amended act be and the same are hereby repealed.

Repealing section.

Approved March 19, 1875.

No. 10.]

AN ACT

To amend Section one of an Act to provide for the funding of the domestic debt of this State, approved December 19, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to provide for the funding of the domestic debt of this State, approved December 19th, 1873, which is in words and figures as follows :

Section recited.

"SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor of the State be and he is hereby authorized to cause to be prepared and issued the obligations of the State to an amount not exceeding in the aggregate one million dollars; said obligations may be issued for sums of \$10, \$20, \$50, and \$100, as may be found most convenient for the purposes herein expressed. They shall be numbered and registered in a proper book to be kept by the Auditor in his office. They shall, before being issued by the Auditor, as hereinafter directed, be, by him, made payable to the person to whom issued or bearer, and may thereafter be negotiated and passed by delivery. They shall be made payable at the treasury of the State in ten years after date or sooner, at the pleasure of the State. They shall be signed by the Governor and countersigned by the Auditor. They shall bear interest at the rate of eight per centum per annum, payable semi-annually, and be free from all taxation whether for State, county or municipal purposes. They shall be printed or engraved on suitable paper and with appropriate devices as may be directed by the Governor. These obligations shall be receivable at their par value when offered for all dues, taxes and imposts assessed or levied for the use of the State, and for all fines and forfeitures assessed against defendants in any of the courts of this State, and tax collectors and others whose duty it is to receive said obligations in payment of taxes shall not count interest on said obligations beyond the time said taxes are due in that year,"

Amendment.

—be and the same is hereby amended so as to read as follows:

Governor authorized to issue State obligations of certain denominations.

Duty of Auditor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor of this State be and he is hereby authorized to cause to be prepared and issued the obligations of the State to an amount not exceeding in the aggregate one million dollars. Said obligations may be issued for sums of \$10, \$20, \$50 and \$100 as may be found most convenient for the purposes herein expressed. They shall be numbered and registered in a proper book to be kept by the Auditor in his office. They shall, before being issued by the Auditor, as hereinafter directed, be, by him, made payable to the person to whom issued or bearer, and may thereafter be negotiated and passed by delivery. They shall be made payable at the treasury of the State in ten years after

date or sooner, at the pleasure of the State. They shall be signed by the Governor and countersigned by the Auditor. They shall bear interest at the rate of eight per centum per annum, payable semi-annually, and be free from all taxation, whether for State, county or municipal purposes. They shall be printed or engraved with appropriate devices as may be directed by the Governor. These obligations shall be receivable at their par value when offered for all taxes assessed or levied for the use of the State, and for all county and municipal taxes, and for all fines and forfeitures assessed against defendants in any of the courts of this State, and tax collectors and others whose duty it is to receive said obligations in payment of taxes, shall not count interest on said obligations beyond the time said taxes are due in that year. *Provided*, That this act shall not apply such portions of the taxes levied by the authorities of any municipal corporation, or by the authorities of any county to pay the principal or interest of any bonds issued or negotiated by said authorities, municipal or county, under authority of laws of this State.

When payable.
How signed.
Rate of interest.

For what receivable.

Proviso.

SEC. 2. *Be it further enacted*, That said section one, as it now stands, be and the same is hereby repealed.

Approved February 13, 1875.

No. 11.]

AN ACT

To protect the State in the payment of interest on its obligations.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever any Tax Collector of this State is ready to pay over to the County Treasurer or County Superintendent of Education, in accordance with law, any State obligations which may have been received by him for State or county taxes, and upon which he has allowed interest to the tax-payer in accordance with law, he shall first present the said obligations to the Probate Judge of his county, together with his tax books, and a statement showing the amount of interest allowed by him, and it shall be the duty of said Probate Judge to examine carefully the said statement, and he shall give the said Collector a certificate showing the amount of

Tax Collectors required to present obligations upon which he has allowed interest to Probate Judge, &c.

Duty of Probate Judge.

interest which has been properly allowed by him on said obligation; and the Auditor on settlement with such Tax Collector shall give him credit for the amount of interest allowed as shown by the certificate of said Probate Judge, and said Tax Collector shall, as soon as his statement has been credited by said Probate Judge, and in his presence, pay over said obligations to whomsoever is entitled to receive the same from him.

SEC. 2. *Be it further enacted,* That it shall be the duty of each County Treasurer, and of each County Superintendent of Education, before disbursing any of the State obligations which he has received in his official capacity to present the same to the Probate Judge of his county, who shall stamp across the face of each of said obligations, in the same manner as is now done by the State Treasurer, the month and year when the same is to be paid out, and said obligations, so stamped, shall only bear interest from the first of the next succeeding month; *Provided,* that no officer who has the custody and disbursement of said obligations, shall present to the Probate Judge for stamping in any one month more of said obligations than according to their best judgment they will need for disbursement, according to law, in said month, and if from any cause all such obligations so stamped are not disbursed in said month, then before they are paid out they shall be again presented by the officer holding the same to the Probate Judge, to be by him again stamped, with the month and year of issuance as above provided.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Auditor to furnish to each Probate Judge in this State as soon as practicable the necessary instruments and material to carry out the foregoing provisions of this act, and he shall also have this act printed in circular form and forthwith send copies of the same by mail to each Probate Judge, Tax Collector, County Treasurer and County Superintendent of Education in this State.

SEC. 4. *Be it further enacted,* That Tax Collectors shall pay over to County Treasurers or County Superintendents of Education the identical money, currency or obligations received by them for taxes from the tax-payers; and it shall be the duty of each of these officers to whom payments shall be made by Tax Collectors, to administer to such Collectors an oath, to be in writing and subscribed by the affiant, to the effect that the money, cur-

Duty of County Superintendent and Treasurer.

Probate Judge stamps across face of obligations as is done by the State Treasurer.

Auditor furnishes instruments to stamp with.

Tax Collectors must pay over identical money collected.

Oath to be administered.

rency or obligation, so offered to be paid over to them is the identical money, currency or obligations received by them for taxes from the tax-payers, and that no interest has been collected or received by him directly or indirectly, nor by any one else with his knowledge, consent or connivance on any of the State obligations offered to be paid over by him, since the said obligations were paid to him by the tax-payers. And no County Superintendent of Education or County Treasurer shall receive from said Tax Collector as school funds or county taxes any State obligations until such Collector shall have taken and subscribed the oath hereinabove prescribed, and any Tax Collector who shall falsely make said oath, shall, on conviction, be deemed guilty of perjury, and shall be punished accordingly.

Approved March 20, 1875.

No. 12.]

AN ACT

To encourage the production of native wines.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That native wines from grapes grown within this State may be sold, when bottled, without the requirement of any license for that purpose, or tax of any kind; *Provided,* Such bottles shall be labeled with label showing when it was produced, and the affixing of any false label for the purpose of violating this act, or the sale of wine with false label with knowledge thereof, to evade the provisions of this act, shall be a misdemeanor, and punished by fine not exceeding five hundred dollars, or imprisonment, at the discretion of the court, not exceeding six months.

Approved March 20, 1875.

No. 13.]

AN ACT

To direct the stamping of the State's obligations.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the state treasurer is hereby authorized to stamp each obligation with an appropriate stamp, which will show the month and year such obligation was paid out of his office, and interest shall only be counted upon such obligation from the first day of the succeeding month.

State treasurer
required to
stamp obliga-
tions.

Approved December 17, 1874.

No. 14.]

AN ACT

To cancel the interest upon the re-issue of State obligations.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the first day of April, 1875, it shall be the duty of the treasurer of this State, at all times thereafter, before he re-issues from the treasury of the State said obligations, or any of the obligations authorized by the "Act to provide for the funding of the domestic debt of the State," approved December 19, 1873, to mark paid, or otherwise cancel, upon each and every of the obligations so re-issued, the portions or installments of interest maturing thereon next after the time when such obligations are so re-issued; and thereafter no interest shall be due or payable at the date, or dates, so marked paid or otherwise cancelled, for any portion of time preceding the date so marked as directed by this act.

Interest upon
re-issue of ob-
ligations can-
celed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 20, 1875.

No. 15.]

AN ACT

To explain and construe an act approved February 13, 1875, entitled "An act to amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873, so far as it relates to the county of Sumter."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act approved February 13, 1875, entitled "An act to amend section one of an act to provide for the funding of the domestic debt of this State," approved December 19, 1873, does not apply to any special tax for a sinking fund for Sumter county, but that such tax for a sinking fund for said county shall be paid in United States currency. Not applicable to special tax for Sumter co.

Approved March 18, 1875.

No. 16.]

AN ACT

For the relief the Alabama Central Railroad Company, and other railroad companies therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Alabama Central Railroad Company be and is hereby released from all tax penalty incurred by said company, and the Selma and Meridian Railroad Company, under the provisions of the act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868; *Provided,* That this act shall not take effect unless it shall appear that said railroad company has paid all taxes due by the same upon the railroads and property now owned by the corporation known as the Alabama Central Railroad Company. Release from tax penalty.

SEC. 2. *Be it further enacted,* That the provisions of the first section of this bill be and the same are hereby made applicable to the Montgomery and Eufaula Railroad Company, and the Savannah and Memphis Railroad Company, and the Mobile and Ohio Railroad Company, in relation to penalties incurred by said companies for non-payment of taxes; *Provided,* That said railroad companies shall pay all costs of suits now pending in Proviso.

any of the courts of this State to enforce the collection of such penalties.

Approved March 17, 1875.

No. 17.]

AN ACT

To provide for the registration of electors in this State.

Sec. of state to
superintend.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of state shall superintend the registration of electors in this State.

Appointments
by sec. of state
of registrars.

SEC. 2. *Be it further enacted,* That the Secretary of State, on or before the first Monday of May, 1875, or as soon thereafter as practicable, shall appoint one registrar in each county in this State, who shall appoint one assistant registrar for each voting precinct or ward in the county for which such registrars are respectively appointed; and such assistants shall, as soon as practicable after their several appointments, make a full registration list, as hereinafter provided, of all the electors in the precincts or wards for which such assistants are appointed respectively; and such registrars and assistants, before entering on the duties herein prescribed, shall take the oath of office as prescribed in section 1, article 15, of the Constitution of the State of Alabama, which oath may be administered by any officer authorized by law to administer oaths in this State, and be filed in the office of the judge of probate of the county, and when they are so appointed and qualified they are hereby authorized to perform all the duties prescribed by this act; and the said assistant registrars are hereby further authorized, after they have been qualified as above provided, to administer the registration oath prescribed by this act, and it shall not be lawful for any other officer or person to administer the same.

Duties.

Oath of office

Authority of
assist'nt regis-
trars.

Duty of assist-
ant registrars.

Registration
by precinct or
ward.

SEC. 3. *Be it further enacted,* That it shall be the duty of each assistant registrar to make a due and correct return of the list of registered electors made by him as is hereinafter provided by this act.

SEC. 4. *Be it further enacted,* That it shall be the duty of such assistant registrars within the several precincts or wards for which they are appointed, respectively, to make registration of the electors residing in such pre-

cinets or wards upon blank forms provided for that purpose under the provisions of this act, and shall not register in any other way or on any other form than that prescribed by this act.

SEC. 5. *Be it further enacted*, That before registering electors the assistant registrars shall cause each elector who is qualified to vote under the constitution and laws of the State of Alabama, to take and subscribe the oath prescribed in section 4, article 7, of the constitution of the State, and the further oath that he is a qualified elector under the constitution and laws of the State of Alabama, and the name of each elector must either be subscribed to said oath by the elector himself, or the same may be subscribed by the assistant registrar, but when signed by the assistant it must be with the consent and direction of the elector so to do, which shall be evidenced by the attestation of the assistant registrar's name written opposite to the name of the elector under the appropriate head on the prescribed form; and the oath shall be in the printed and written form at the head of the registration list prescribed by this act, and the names of the electors shall be subscribed to the same under the appropriate head prescribed for the same in said list, and the assistant registrars shall write opposite to the name of each elector, under the appropriate head in said form, the number and date of registration, his place of residence, whether white or colored, his employment, and if he is in the employment of another, the name of such employer, and if the elector resides in any town or city, the street and number, or other mark or description, by which his place of residence may be identified.

Oath of elector
Attestation of
registrar.

SEC. 6. *Be it further enacted*, That the assistant registrars shall be present at the voting precinct or ward for which they are respectively appointed on the day of election to register such electors as may have failed to register on any previous day in their precincts or wards under this act, which registration must be done according to the form in every respect in this act prescribed; and the assistant registrar shall furnish to each elector who may register on the day of election, a certificate of registration, which shall be in the following form:

Registration
on day of elec-
tion.

I,.....assistant registrar, do hereby certify that.....has this day registered before me as an elector.

Certificate.

.....
(Signed)

Registrar.

Which certificate, signed by the registrar, shall be sufficient evidence that such elector is registered; and in case such assistant registrar, for any cause, is unable to attend, or there be a vacancy in the office of assistant registrar for such precinct or ward, the county registrar shall appoint some competent person as assistant registrar for that day, and if no appointment be so made by ten o'clock of that day, then the inspectors of election may appoint an assistant registrar, who may qualify and act as such for that day.

SEC. 7. *Be it further enacted*, That each assistant registrar, after having registered all the electors in their respective precinct or ward, as near as may be, and not more than three months after their several appointments, shall make a true copy of same in the registration book furnished for the purpose, under the provisions of this act, and shall also make a true copy or duplicate of the original registration list which, together with the original, as soon as practicable after same is completed, shall be returned to the office of the judge of probate of the county in which such registration is made, and delivered to the judge of probate, who shall, as soon as the registration for all the precincts and wards in such county have been made, cause the original lists so returned to him to be securely bound in book form, in good substantial pasteboard binding, and preserve same in his office for public inspection, keeping the several precincts and wards separate from each other in arranging same for binding, but binding the whole of said originals for the county in one volume, appropriately labeled; and the judges of probate of the several counties shall, as soon as said returns are fully made, return the duplicates to the Secretary of State, who shall arrange same by precincts, wards and counties, and so cause the same to be bound in one or more volumes, and in such style as he may deem advisable for convenient reference and preservation, and the registration book made out by the assistant registrars in the several precincts and wards shall be kept by them, subject to the inspection of the public, and in which they shall make entry of all additional registrations made by them respectively, from time to time, and shall not less than fifteen days before

Copy of Registration list returned to Probate Judge.

Bound in book.

Duplicates to be returned to Secretary of State.

Additional Registrations.

any general or special election held in the county, make a supplemental return to the judge of probate in like manner as the first return. And it shall be the duty of said assistant registrars in each year to make a revised list of electors for their said precincts or wards, showing the names of all such electors as shall be known to or be proven to them to have died or to have removed from the ward or precinct, or to have become disqualified as electors by the conviction of any felony, and also of all such as have registered at and since the last election, which list shall be prepared in the manner hereinbefore prescribed for the other lists, and shall be delivered to the judge of probate not less than fifteen days before any general or special election. But it shall not be lawful to register any elector within fifteen days before any general or special election, except on election day, as herein provided. And all registrations made on the election day, by any registrar, appointed for that day only, shall be returned to the assistant registrar for that precinct or ward properly certified as provided in this act, which shall be returned to, and be treated by the judge of probate as if made by the regular assistant registrars.

Duty of Assistant Registrars

Not lawful to register within 15 days before any election.

SEC. 8. *Be it further enacted*, That the compensation to assistant registrars shall be ten cents for each person registered, which shall be paid by the several counties in which such registration is made as a preferred claim against the county, which claim shall be receivable in payment of county dues.

Compensat'on.

SEC. 9. *Be it further enacted*, That the Secretary of State be and he is hereby authorized and directed to obtain and furnish to the probate judges of the several counties in the State, the necessary books and blanks for the use of the several assistant registrars appointed under this act for the purpose of carrying out the provisions of the same; that said blanks shall be printed and ruled on good paper suitable for binding in book form, as may be directed by the Secretary of State, one-third of which shall be securely bound in good paper, paste-board and leather binding in sufficient numbers to furnish one book to each assistant registrar in the State, together with at least double as many blanks unbound as are contained in said books, and each page of said blanks and books shall be in the following form :

Books and blanks furnished by Secretary of State.

REGISTRATION OATH.

STATE OF ALABAMA, }

County of _____, precinct or ward _____ }

Registration
oath.

We, the undersigned, registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the State of Alabama; that I am not excluded from registering by any of the clauses in section 3, article 7, of the constitution of the State of Alabama; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men; and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity, enjoyed by any other class of men; and furthermore, that I will not, in any way, injure, or countenance in others, any attempt to injure any person or persons on account of past or present support of the government of the United States, the laws of the United States, or the principle of the political and civil equality of all men, or for affiliation with any political party, and that I am a qualified elector under the constitution and laws of the State of Alabama.

No.	Date.	Names of Electors.	Registrar's Attestation.	White or Colored.	Residence by Precinct or Ward.	Employer's names and remarks.

Form of blanks

Certificate of Registrar.

I, ———, registrar for said precinct or ward in said county and city of ———, do hereby certify that the above and foregoing names of registered voters from No. 1 to ———, inclusive, were duly registered by me according to law between the dates of ——— and ———, in said precinct (or ward), and that each of said persons so registered took and subscribed before me the above oath on the days and dates set opposite to their several names respectively. ———. Witness my hand this the ——— day of ———, 187—. ———, Registrar.

Penalties.

SEC. 10. *Be it further enacted*, That any person taking the registration oath prescribed in this act, who shall swear falsely touching any material matter in said oath, and any assistant registrar who shall knowingly and corruptly register any person as an elector who is not entitled to register, or who knowingly and corruptly makes any false or fraudulent return of registration provided for by this act, shall be deemed guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than ten years, at the discretion of the court trying the same.

Alphabetical lists by precincts & wards of the qualified electors prepared by probate judge and delivered to inspectors and judges of election.

SEC. 11. *Be it further enacted*, That the probate judges of the several counties shall, from the registration list of electors returned to their several offices under this act, make a correct alphabetical list of the qualified voters of such county, arranged by precincts and wards, correcting and completing the same from the supplemental and revised returns of assistant registrars, as is prescribed by this act, which list, when so completed, shall be certified by the probate judge officially to be a full and correct transcript of the list of registered electors as the same appears from the returns of the registrars in his office; and which list, alphabetically arranged, said judges shall deliver to the inspectors of election in the several precincts in their counties immediately preceding each election. One copy for each precinct or ward, and one copy of the whole list of registered electors in the county shall be put up or posted at the court house of the county fifteen days before the election.

Copy posted at court house.

Compensation probate judge

SEC. 12. *Be it further enacted*, That the several probate judges of the State shall be paid by the county such reasonable compensation for certifying such alphabetical list as may be allowed by the court of county commissioners, to include the necessary expense of

printing, which shall be a preferred claim against the county.

SEC. 13. *Be it further enacted*, That it shall not be lawful to register any person except in the voting precinct or ward in which such person is entitled by law to vote, and the assistant registrars, when they have no personal knowledge of the identity or residence of an elector, shall examine him under oath touching the same, which oath shall be administered by the assistant registrars, and any person who swears falsely in reference to any material matter when so examined is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years, at the discretion of the court trying the same.

Registration in
prec't or ward.

SEC. 14. *Be it further enacted*, That the registrar for each county shall fill any vacancy which may occur in the office of assistant registrars in the county, and the person or persons so appointed and qualified shall be entitled to and shall take possession of all the books and papers in reference to registration of his predecessor in office.

Vacancies, how
filled.

SEC. 15. *Be it further enacted*, That it shall not be lawful for any person to register, or cause his name to be registered, as an elector except in the precinct or ward in which he resides, and any person who shall knowingly violate the provisions of this section shall be guilty of perjury, and on conviction shall be punished by imprisonment in the penitentiary or sentenced to hard labor for the county not less than one nor more than two years.

Penalty for
register'g else-
where than in
ward or pre-
cinct of resi-
dence.

SEC. 16. *Be it further enacted*, That it shall be the duty of the county commissioners of each county to ascertain whether their counties are divided into election precincts with the boundaries of the same accurately defined by the action heretofore of the court of county commissioners; and whenever such precincts have not been so designated and defined, it shall be the duty of such commissioners, on or before the first Monday of May of this year, to divide their county into election precincts, defining the boundaries and designating the number or name of each one, and the place of holding elections, and this statement and designation, with the plat thereof, if one be made, shall be entered on the records of the court of county commissioners; *Provided*,

Duty of county
commission'rs

Proviso.

Duty of judges
of probate.

That election precincts now established by law shall not be changed by this act; *Provided*, That in all cases where the commissioners court shall make new or shall change existing precincts, lines or boundaries under the provisions of this act, it shall be the duty of the judges of probate to furnish a copy of the plat or other description adopted by the commissioners court in such case to each assistant registrar in the precinct or precincts so established or changed.

Co. commis-
sioners neg-
lecting to per-
form the du-
ties required of
them guilty of
misdemeanor.

SEC. 17. *Be it further enacted*, That the county commissioners neglecting to perform the duties required of them by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in such sum as the jury trying the same shall assess, not less than twenty nor more than five hundred dollars.

Duty of Secre-
tary of State.

SEC. 18. *Be it further enacted*, That it shall be the duty of the secretary of state, as soon after the adjournment of the general assembly as practicable, to cause this act to be published in the Montgomery Advertiser, and on the same terms as to compensation as provided in the act to provide for the publication of the criminal laws enacted during the present session of the general assembly, approved February 20, 1875. And it shall be his further duty to send by mail one or more copies of such publication to each judge of probate in this State.

Repeal.

SEC. 19. *Be it further enacted*, That the act approved October 5, 1868, and all other laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved March 18, 1875.

No. 18.]

AN ACT

To regulate elections in the State of Alabama.

Electors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That every male person born in the United States, and every male person who has been naturalized or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upwards, who shall have resided in this State six months next preceding any election and three months in the county in which he offers to vote, is, unless within the

disabilities imposed by the succeeding sections of this act, a qualified elector, and may vote in the precinct or ward of his actual residence of the county in which he resides, and not elsewhere, for all officers elected by the people. Vote only in precinct or ward of his actual residence.

SEC. 2. *Be it further enacted*, That no person shall lose or acquire a residence, either by temporary absence from his place of residence without the intention of re- Residence defined. remaining, or by being a student in any institution of learning, or by navigating any of the waters of this State, the United States or the high seas, without having acquired any other lawful residence, or by being absent from his place of residence in the civil service of this State or the United States.

SEC. 3. *Be it further enacted*, That the following officers in this State shall be elected by the qualified electors, viz: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, senators and representatives of the general assembly, superintendent of public instruction, members of the board of education, commissioner of industrial resources, judges of the supreme court, judges of the circuit court, chancellors, judges of probate and judges of other inferior courts, constables, county treasurers, coroners, justices of the peace, sheriffs, clerks of the circuit courts and clerks of other inferior courts, county solicitors, tax collectors, tax assessors, county superintendents of education, county commissioners, representatives in congress, electors for president and vice president of the United States. Officers elect'd by the people.

SEC. 4. *Be it further enacted*, That general elections throughout the State shall be held for governor, lieutenant governor, secretary of state, auditor of public ac- General elections. counts, treasurer, attorney general, superintendent of public instruction, commissioner of industrial resources, supreme court judges and electors for president and vice president of the United States; for members of congress and members of the board of education in each congressional district, a chancellor in each chancery division, a judge of the circuit court for each judicial circuit, a senator for each senatorial district, a probate judge, representative or representatives to the general assembly, sheriff, county solicitor, clerk of the circuit court, tax collector, tax assessor, county superintendent of education, county commissioners, coroner and county treas-

urer, shall be elected in each county; justices of the peace and constables for such officers shall be elected in each precinct of the county.

When held.

SEC. 5. *Be it further enacted*, That a general election for governor, lieutenant governor, secretary of state, treasurer, attorney general, members of congress, representatives of the general assembly and superintendent of public instruction shall be held on the day prescribed by law for holding elections for such officers, and every two years thereafter. And at this biennial election there shall also be held an election for senators to represent the several senatorial districts, and for members of the board of education to represent the several congressional districts in the board of education, where the representation of said districts respectively shall have become vacant by the classification of senators and members of the board of education as required by the constitution of this State.

Terms of office
and time of
election.

SEC. 6. *Be it further enacted*, That the auditor of public accounts, county solicitor, State senators, commissioner of industrial resources, members of the board of education, and electors for president and vice-president of the United States, shall be elected on the day prescribed by law for holding elections in this State for such officers, and every four years thereafter, except as hereinbefore provided.

Terms of co.
officers.

SEC. 7. *Be it further enacted*, That one sheriff, one coroner, four county commissioners, one county treasurer, one tax assessor, one tax collector, shall be elected in each county, two justices of the peace for each election precinct, and one constable for each precinct in the county shall be elected on the day prescribed by law for holding elections in this State for such officers, and every three years thereafter. But as to the county commissioners and treasurers, this section shall not apply to counties where special laws are in force.

Not applicable
where special
laws are in
force.

Terms of judi-
cial officers.

SEC. 8. *Be it further enacted*, That judges of the supreme court, chancellors, judges of the circuit and city and probate courts, and clerks of the circuit and city courts, shall be elected on the day fixed by law for holding elections in this State for such officers, and every six years thereafter.

Special elec-
tions; when
and how held.

SEC. 9. *Be it further enacted*, That special elections are to be held in the following cases:

1st. Where a vacancy occurs in the office of senator

or representative to the general assembly, by reason whereof any district or county will be deprived of its representation, when the general assembly will be in session prior to the next general election for that office.

2. When a vacancy occurs in the office of representative to the congress of the United States, by which the State may be deprived of its full representation at any time when congress will be in session, prior to the next general election for that office.

3d. When any general or special elections for members of the general assembly or for representatives in congress is not held.

4th. Whenever any vacancy occurs in any State or county office filled by election of the people, not otherwise provided for by the constitution or laws of Alabama.

SEC. 10. *Be it further enacted*, That all special elections provided for by this act shall be held on Tuesday. Held on Tuesday.

SEC. 11. *Be it further enacted*, That all special elections provided for by this act, are to be ordered by the governor, who shall issue writs of election directed to the sheriffs of the counties in which such election is required to be held, and must specify therein the district or county in which, and the day on which such election is to be held, the cause and object of the same, the name of the person in whose office the vacancy has occurred, and in all cases in which a special election is directed in a district composed of more than one county such election must be directed to be held on the same day in each county. Special elections ordered by governor.

SEC. 12. *Be it further enacted*, That the governor must also give notice of any special election for representatives in congress or State officer by proclamation. Notice of other special elections.

SEC. 13. *Be it further enacted*, That whenever the sheriff of any county receives a writ of election directing a special election to be held, or receives notice of a special election for representative in congress, State or county officers by proclamation, such sheriff must immediately give notice of the time, place and object of such election as provided for by law, and any sheriff failing to comply with the provisions of this section is guilty of a misdemeanor. Duties of sheriff.

SEC. 14. *Be it further enacted*, That when any special election is ordered by the governor, the sheriffs of the counties in which such election is to be held must, within Penalty on the sheriff.

three days after receiving notice thereof, notify the probate judge and clerk of the circuit court of their respective counties of such special election, and any sheriff failing to comply with the provisions of this section is guilty of a misdemeanor, and on conviction must be fined not less than one nor more than five hundred dollars.

Conduct and
returns of spe-
cial elections.

SEC. 15. *Be it further enacted*, That special elections are to be held and conducted, the returns thereof made, and certified certificates given, and, unless otherwise expressly provided, be regulated in all respects by the provisions of this act in relation to general elections.

Election pre-
cincts.

SEC. 16. *Be it further enacted*, That the counties of this State, as now divided into election precincts, and the boundaries of such precincts as now defined, shall so remain until changed by an order of the commissioners court of the county or by an act of the general assembly; that no change shall be made within sixty days next immediately preceding any election in this State.

Elections held
at precincts as
are now design-
ated by law.

SEC. 17. *Be it further enacted*, That the court house is the place of holding elections in the precincts or wards in which it is situated, and elections must be held at such places in the other precincts or wards as are now designated by law for that purpose, or may hereafter be designated by the county commissioners; but no change shall be made within less than sixty days before any general election.

Number and
boundary.

SEC. 18. *Be it further enacted*, That the number and boundary of precincts, and the places of holding elections, must be known and designated as entered upon the records of the court of county commissioners.

Ballot boxes;
how provided.

SEC. 19. *Be it further enacted*, That the probate judge, sheriff and clerk of the circuit court of each county in this State shall provide two ballot boxes, and where it is deemed necessary shall provide more than two, and not more than three, at each place of voting.

Notices of
changes in the
boundaries of
precincts.

SEC. 20. *Be it further enacted*, That whenever a change has been made by the county commissioners of the boundaries of the precinct or ward, or the places of voting therein, it shall be the duty of the probate judge within five days thereafter to give notice of such change, to be posted up at the court house door and at two public places at each election precinct or ward by the sheriff. Such notice must contain an accurate description of each precinct or ward by its number, and must specify the place where elections are to be held, and if any changes

are to be made in the boundaries or numbers of the precincts of any county or the place where elections are to be held, the same must be specified; and any sheriff or judge of probate failing to discharge his duties as to recording or giving notice according to this act, is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars, at the discretion of the jury trying the same.

SEC. 21. *Be it further enacted*, That the judge of probate, sheriff, clerk of the circuit court, or any two of them, must, at least thirty days before the holding of any election in their county, appoint three inspectors for each place of voting, two of which shall be members of opposing political parties, if practicable, and one returning officer for each precinct, to act at the place of holding elections in each precinct; and it shall be the duty of the sheiff to notify such inspectors and returning officers of their appointment within ten days after such appointment. Any judge of probate, clerk of the circuit court, or sheriff, failing to comply with the provisions of this section is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars. Inspectors appointed.

SEC. 22. *Be it further enacted*, That it shall be the duty of the inspectors and the returning officers appointed to meet at the place of holding elections in the several precincts for which they have been appointed by eight o'clock of the morning of the day of election, and before nine o'clock open the several polling places as designated. Duties prescribed.

SEC. 23. *Be it further enacted*, That on the failure of any inspecting or returning officer to attend at the hour of eight o'clock, such as may be present may complete the number. If none of the inspectors appointed are present, the returning officer of the precinct shall appoint three inspectors to act. And if there should be no inspector or returning officer present by the hour of eight o'clock, then any three qualified electors may open the polling places and serve as inspectors during the election. When electors may serve as inspectors.

SEC. 24. *Be it further enacted*, That if the returning officer is not present at the hour appointed, the inspectors or those acting as such must appoint one to serve during the election. Returning officer may be appointed by inspectors.

SEC. 25. *Be it further enacted*, That the inspectors or
Clerks select'd those acting must, before opening the polls, select two
persons to act as clerks.

SEC. 26. *Be it further enacted*, That before opening
the polls the inspectors and clerks must take an oath to
perform their duties at such election according to law
to the best of their judgment, and the inspectors must
also swear that they will not themselves, nor knowingly
allow any other person to compare the number of bal-
lots with the number of votes enrolled, which oath may
be administered by the inspectors to each other, or by
the returning officer or a justice of the peace.

Hours of open- SEC. 27. *Be it further enacted*, That the polls must be
ing polls. opened at each place of voting in each precinct between
the hours of eight and nine o'clock in the morning, and
be kept open without intermission or adjournment until
the hour of five in the afternoon and no longer.

Proclamation SEC. 28. *Be it further enacted*, That the inspectors,
to be made. before they commence receiving ballots, must cause it
to be proclaimed aloud at the place of voting that the
election is opened.

SEC. 29. *Be it further enacted*, That at all elections by
the people of this State the elector must vote by ballot
and in the co. and in the county and precinct or ward where his resi-
dence is situated, and nowhere else, and if any elector
attempts to vote in any other precinct or ward than that
wherein he resides, his vote must be rejected.

SEC. 30. *Be it further enacted*, That the ballot must
be a plain paper, on which must be written or printed,
or partly written and partly printed, the names of the
persons for whom the elector intends to vote, and must
designate the office for which each person so named is
intended by him to be chosen. But in all cases where
an election is held on the same day and in the same pre-
cinct or ward to fill any office or offices existing under
the constitution or laws of this State, and an office or
offices under the constitution or laws of the United
States, the voter must deposit separate ballots, one to
contain the name or names of the person or persons for
whom the elector intends to vote to fill the office or
offices under the constitution and laws of this State; the
other to contain the name or names of the person or
persons for whom the elector intends to vote to fill the
office or offices under the constitution or laws of the
United States, and their ballots must be deposited in

SEC. 31. *Be it further enacted*, That whenever any voter votes, he shall, if his ballot is folded when offered, designate whether such folded ballot is for State or Federal officers by the words "State ticket" or "Federal ticket" (as the case may be), so written or printed on such ballot as to be plainly visible to the inspectors, and by which they shall be governed in depositing such ballot in the appropriate box, but in case a ballot is not folded the inspectors may determine from the face thereof in which box it properly belongs, but before depositing same one of the inspectors must receive his ballot and call his name audibly and distinctly, and the name of each elector whose ballot has been received must immediately be taken down by each clerk on separate lists, which shall be headed names of voters, and called poll lists, and the number of the order in which such elector votes must at the same time be entered by each clerk against his name, the first elector voting being numbered one, the second numbered two, and so on to the last elector voting; *Provided*, That in case a ballot is deposited in the wrong box by mistake the inspectors shall correct such mistake on the count of the ballots, and put them in the proper box.

SEC. 32. *Be it further enacted,* That one of the inspectors must number each ballot with the same number as the name of the voter on the poll lists, and the ballot must then, without being opened or examined, be deposited in the proper ballot box.

SEC. 33. *Be it further enacted,* That any qualified elector of the precinct or ward in which any person proposes to vote shall have the right to challenge such person so offering to vote, whom he may know or suspect is not entitled and duly qualified as an elector to vote at the precinct or ward where he offers to vote.

SEC. 34. *Be it further enacted*, That when any person offering to vote is challenged by any qualified elector, before such person shall be allowed to vote, he shall take and subscribe an oath which one of the inspectors of such election shall tender and administer to him, and which shall be in the following form :

Oath pre-
scribed when

State of Alabama, }
 _____ county. }

I, _____, do solemnly swear (or affirm) that I

am a duly qualified elector under the constitution and laws of the United States, and the constitution and laws of Alabama, and that I have resided in the State of Alabama six months next preceding this election and three months in this county, and now actually reside in this precinct (or ward, as the case may be), and that I am twenty-one years old or upwards, and that I have not voted before on this day at any general or special election at any place of voting; and that I have not been convicted of treason, embezzlement of public funds, malfeasance in office, or of any crime punishable by law with imprisonment in the penitentiary, or bribery, so help me God.

Identity must be proven. And in addition to said oath, if the person so challenged is not personally known to one of the inspectors to have the qualifications required in this act, then one of them may require such person, before he shall be allowed to vote, to prove his identity and residence in the State, county and precinct or ward in which he offers to vote, by the oath of some elector, personally known to some one of said inspectors to be a qualified elector, which oath shall be administered by one of said inspectors, and shall be in the following form :

State of Alabama, }
 _____ county. }

Oath of identity prescribed I, _____, do solemnly swear that I have known (here insert the name of the person offering to vote) for the last six months preceding this election, and that he has been a resident of this State for six months and of the county for three months next preceding this election, and that he now has an actual *bona fide* residence in this precinct (or ward). And I verily believe he is twenty-one years old or upwards, and that he has not voted before on this day at any general or special election, so help me God.

Oaths must be filed and forwarded in sealed package to probate judge. And upon said oath being duly taken and subscribed, the ballot of the person offering to vote must be received and deposited as other ballots of qualified electors. And it shall be the duty of the inspectors to file all the oaths so taken and subscribed, and when the election is closed said inspectors shall forward them in a sealed package to the judge of probate, who shall lay them before the next grand jury sitting for said county.

SEC. 35. *Be it further enacted*, That when any one, offering to vote at any election in this State, has been

challenged as prescribed for in the thirty-third section of this act, before administering the oath prescribed in section thirty-four of this act, it shall be the duty of one of the inspectors to inform such person that if he takes the said oath wilfully and falsely, he is guilty of perjury, and on conviction may be imprisoned in the penitentiary of this State, for not less than two years.

Inspector informs person challenged of the penalties of false swearing.

SEC. 36. *Be it further enacted*, That if any person, whose vote is challenged, or any witness sworn under the provisions of section thirty-four of this act, shall knowingly, wilfully, or corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Penalties denounced for false swearing.

SEC. 37. *Be it further enacted*, That if any person offering to vote, refuses to take the oath prescribed in section thirty-four of this act, his vote shall be rejected, and the ballot marked with the name of the person offering it shall be laid aside by the inspectors, and if such person takes such oath, then his vote shall be accepted as in other cases.

What done with vote of one refusing to take the oath.

SEC. 38. *Be it further enacted*, That any person voting more than once at any election held in this State, or depositing more than one ballot for the same office as his vote at such election, and knowingly attempts to vote when he is not entitled to do so, or is guilty of any kind of illegal, or fraudulent voting, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same.

Penalty denounced for illegal voting.

SEC. 39. *Be it further enacted*, That it shall be the duty of the judge of the circuit or criminal and city courts in this State to give the preceding section of this act in special charge to their respective grand juries and direct them to especially inquire into all illegal voting, and also into any and all illegal acts committed by inspectors, returning officers or other officers of election, within their respective counties or districts.

Duties of Judges relative to giving preceding section in charge.

SEC. 40. *Be it further enacted*, That it shall be the duty of all inspectors of elections in the election precincts immediately on the closing of the polls to count out the votes so polled, and in doing so the returning officer, or one of the inspectors, must take the ballots, one by one, from the box in which they were deposited, at the same time reading aloud the names of the per-

Duties of Inspectors upon the closing of the polls.

sons written or printed thereon, and the office for which such persons are voted for. They must separately keep a calculation of the number of votes each person receives, and for what office he receives them, and if two or more ballots are found rolled up or folded together so as to induce the belief that the same was done with a fraudulent intent, such ballots must be compared by their number with the poll lists, and if ascertained to be fraudulent, must be rejected, or if any ballot contains the names of more persons than the voter had a right to vote for, the first of such names on such ballot to the number the voter was entitled to vote for only must be counted; that as soon as the ballots are all counted out, the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of the same in writing, which statement must be signed by them; they must also certify in writing, on one of the poll lists, that such poll list is the poll list of the election precinct, or ward, at which they were inspectors, the day and year on which such election was held, and for what offices, which certificates must be signed by them, and such statement of the poll lists, and votes, thus certified must be sealed up, together with a list of the registered voters in such precinct or ward at such election, on such day, in a box to be furnished by the sheriff of the county, one or more for each precinct or ward, and to consist of wood, tin or sheet iron, and securely fastened by locks, directed to the sheriff of the county, if there be one, and if none, then to the person discharging the duties of such office, and then immediately deliver the same to the returning officer of the precinct.

SEC. 41. *Be it further enacted,* That the inspectors must separately count and keep the ballots deposited in the several boxes separate, so that the ballots cast for State and county officers shall not be mixed or mingled with the ballots cast for federal officers, and to that end as soon as all the ballots contained in any one box are counted out, the inspectors shall immediately, and before counting another box, roll up the ballots, so counted, into separate parcels, which shall consist as near as may be, of the ballots cast for each officer or officers, and label each parcel so as to show for what officer or officers the ballots contained therein were received, and when so rolled up and labelled shall be securely sealed.

Ballots for
State and county
officers must
be kept separate
from ballots
cast for
federal officers

The rejected ballots, if any, shall also be rolled up and labeled as rejected ballots, and sealed as the other parcels, and all of such packages so rolled up, sealed and labeled, together with one poll list, which shall also be securely sealed up, shall be returned to, and securely fastened up in the box from which such ballots were taken and counted, and which shall also be sealed and labeled so as to show the nature of its contents, and shall be kept by one of the inspectors for sixty days, and then the packages taken out of such box without opening or unsealing the packages, and destroyed, unless within that time the inspector having them in custody is notified that the election of some officer for which the election was held will be contested, in which case he must preserve the box containing the ballots cast for such contestant, until such contest is finally determined, or until such box is demanded by some other legally constituted custodian during such contest, and in case there are not enough original poll lists to put one in each ballot box as herein provided, in such case a certified copy of the original poll list shall be made out by one of the clerks, and certified by the inspectors and deposited in the box as herein required to be done with the original.

Rejected ballots sealed as other packages.

SEC. 42. *Be it further enacted*, That the sheriff of each county of this State, or the person discharging the duties of such office is the returning officer for his county.

Sheriff returning officer.

SEC. 43. *Be it further enacted*, That the statement of votes and the poll lists delivered to the returning officer of the precinct must be by him delivered to the returning officer of the county, within forty-eight hours after the election, and failing to do so, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than five hundred dollars, and be confined in the county jail not more than six months. The precinct returning officer shall be entitled to five cents per mile going and returning from the place where the returns are to be made, the distance being reckoned from the place where the election was held, to be paid out of the county treasury, upon the certificate of the person authorized to receive the returns.

Statement of votes and poll lists must be deliver'd within forty-eight hours after election.

SEC. 44. *Be it further enacted*, That on the Saturday next after the election, at the hour of 12, meridian, the returning officer of the county, in person or by deputy, and the probate judge and clerk of the circuit court,

Duties of supervisors prescribed.

Returns; how and to whom made.

Filed in office of secretary of state.

Poll lists, certificates, &c., filed in office of probate judge.

President of senate must open returns.

shall assemble at the court house, or if there be no such judge or clerk, or if either of them fail to attend, or if either of them be interested by reason of having been a candidate at such election, his place must be supplied by a respectable freeholder or householder of the county, and if all such officers be of the same political party, then the said returning officer of the county must summon three reputable persons, resident householders or freeholders of the county, members of the opposite political party, to attend at such time and place, and in the presence of such other persons as choose to attend, and it shall be the duty of this board of supervisors so constituted to make a correct statement from the returns of the votes from the several precincts of the county of the whole number of votes given therein for each office, and the person to whom such votes were given, and after such statement is made, said board shall make certificates on blanks furnished by the secretary of state of the exact number of votes cast in their county for each person, stating the office such person is voted for, deliver the same to the judge of probate of the county, who shall forward them immediately thereafter, and on the same day, excepting for governor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, to the secretary of state, which shall, after such returns shall have been examined by the secretary of state, be filed as other public papers are required to be kept in his office, and shall be subject to the inspection of any elector in this State; they shall also forward a certified return of the election for governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney-general, to the presiding officer of the senate, at least ten days before the time fixed for the next meeting of the general assembly. The probate judge, after the votes have been counted and the statement made as provided for in this section, shall file such poll lists, certificates and registration in his office, which shall be subject to inspection by any elector of said county.

SEC. 45. *Be it further enacted*, That it shall be the duty of the presiding officer of the senate, during the first week of the session of the general assembly, in the presence of a majority of the members of the general assembly, to open the returns and proclaim the result of such election; after which they shall be filed in the office

of the secretary of state as required by section forty-four of this act.

SEC. 46. *Be it further enacted*, That it shall be the duty of the secretary of state to furnish, from time to time, the probate judges of this State with all necessary blanks upon which election returns are to be made. Blanks ; how furnished.

SEC. 47. *Be it further enacted*, That it shall be the duty of the secretary of state to furnish, from a count of the actual vote cast, as the same appears by the returns certified to him as provided by this act, certificates of election to such persons as may be ascertained to be elected to any office in this State within ten days after receiving such returns of election from the probate judge of the county. Certificates of election. When issued.

SEC. 48. *Be it further enacted*, That it shall be the duty of the governor, upon the reception of the bond of any person thus elected, excepting supreme court judges, chancellors, judges of the circuit court, senators and representatives of the general assembly, and county commissioners, properly approved as prescribed by an act approved August first, eighteen hundred and sixty-eight (1868), to forward such person a commission under the great seal of the State, authorizing such person to enter upon the discharge of the duties of the office for which he may have been elected. Commission to issue.

SEC. 49. *Be it further enacted*, That it shall be the duty of the secretary of state to keep a book in his office in which he shall keep registered the name of every person elected to any office in this State, exhibiting the division, district, circuit, or county for which he may have been elected. Register of officers kept by sec'y of state.

SEC. 50. *Be it further enacted*, That the election of persons declared elected to any office, whether State, county, representatives in congress, or to any office which may be filled by a vote of the people, may be contested by any qualified elector of this State for any one or more of the following causes: Contest.

First.—Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, or board of supervisors. Grounds of.

Second—When the person whose election to such office is contested was not eligible thereto at the time of such election.

Third—On account of illegal votes.

Fourth—Offers to bribe, or bribery, or any other mis-

conduct calculated to prevent a fair, free and full exercise of the elective franchise; but no person shall contest the election any person to any office on account of race, color, or previous condition of servitude.

Testimony ;
when received. SEC. 51. *Be it further enacted*, That no testimony must be received of any of the illegal votes or other grounds of contest, unless the party contesting has given to the adverse party notice in writing of the cause, or causes, which he expects to name on the trial, which notice must be served personally at least ten days before the trial.

Statement by
contestant. SEC. 52. *Be it further enacted*, That whenever any elector chooses to contest any election to any office embraced in this act, he must make a statement in writing, setting forth specifically—

Contents. First—The name of the party contesting, and that he was a qualified voter when said election was held.

Second—The office for which said election was held to fill and the time of holding the same.

Third—The particular ground or grounds of such contest; which statement must be verified by the oath of the contesting party, or some one for such party, to the effect that he believes the same to be true.

Copies of poll
lists delivered
to either party SEC. 53. *Be it further enacted*, That it shall be the duty of the probate judge to deliver to either party, on his application, copies of the poll lists which have been filed in his office, on being paid his fees therefor, and on the trial of the contest the precinct inspectors shall be required by subpoena *duces tecum* to produce the original poll lists and ballots filed and kept by them under the provisions of this act for examination, which shall be *prima facie* evidence of the fact that the person named in the poll list voted, and for whom he voted.

Security for
costs. SEC. 54. *Be it further enacted*, That any party contesting any election under the provisions of this act, except as hereinafter provided, must give sufficient security for the costs of such contest in such sum as the judge of the court in which said contest is to be tried, may deem sufficient, but in no case to exceed five hundred dollars.

Witness must
answer certain
questions. SEC. 55. *Be it further enacted*, That any person examined as a witness may be required to answer if he voted at such election, and to answer touching his qualifications, except as to his conviction for any offense which could, under the provisions of this act, disqualify him. If he was not a qualified voter at such election, he may

then be required to answer for whom he voted, and in case of the prosecution of any such witness for illegal voting, his answer to said questions shall not be admitted as evidence against him.

SEC. 56. *Be it further enacted*, That when any elector contests the election of any senator or representative to the general assembly, he must first give security for the costs. of such contest, which must be acknowledged before and approved by the clerk of the circuit court of any county of the senatorial district, if such contest be of the election of a senator, or, if the election of a representative, by the clerk of the circuit court of the county in which such election was held. How approved

SEC. 57. *Be it further enacted*, That the contesting party must next give notice to the person whose election is contested, by having served on him or left at his usual place of residence by the sheriff or some constable, a copy of the grounds of contestation and affidavit, as required by the provisions of section forty-nine of this act. Notice of contest. Contents.

SEC. 58. *Be it further enacted*, That the security for costs must be given, and the person whose election is contested notified in the mode prescribed in the preceding section within twenty days after he is declared elected. Time.

SEC. 59. *Be it further enacted*, That the original statement of the grounds of contest and affidavit must, after such service, be returned to the office of the clerk of the circuit court in which security for costs has been given, with the return of the officer endorsed, which is presumptive evidence of the service. Ret'n of statement of contest

SEC. 60. *Be it further enacted*, That if any sheriff or constable fail to give notice within the time and in the mode prescribed in this act, if practicable for him to do so, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than five hundred dollars. Failure of the sheriff. Penalty.

SEC. 61. *Be it further enacted*, That after giving the notice prescribed in this act, either party may take testimony as hereinafter prescribed. Testimony taken.

SEC. 62. *Be it further enacted*, That such testimony must be taken by deposition, the commission to be issued on the application of either party, without affidavit, by the clerk of the circuit court of the county in How taken.

which such election was held, on five days notice of the time and place of taking it.

If by interrogatories what notice.

If without interrogatories; how taken.

SEC. 63. *Be it further enacted*, That if the testimony is taken by interrogatories a copy of the interrogatories must be served upon the adverse party five days before the issue of the commission, or notice given of the time and place of taking the deposition; when taken without interrogatories the witnesses may be subpoenaed, subpoenas served and certificates of attendance given in like manner as is provided for taking depositions of witnesses in actions of law, except that when taken by interrogatories a written notice giving information as to what officer application will be made to issue the commission must be served on the adverse party, with a copy of the interrogatories.

Failure of witness to attend.

Proceedings.

SEC. 64. *Be it further enacted*, That if any witness, being summoned, fail to attend, the commissioner must certify the same on the back of subpoena and return the same to the next circuit court of the county in which such witness was summoned to appear, which court must proceed against him as against other defaulting witnesses in such court, the return of the commissioner being presumptive evidence of his default.

Compensation

SEC. 65. *Be it further enacted*, That such witnesses and commissioners are to be allowed the same compensation as is allowed to witnesses and commissioners upon the execution of commissions from courts of law, to be taxed as hereinafter provided for.

Testimony, to whom directed.

SEC. 66. *Be it further enacted*, That all testimony, taken in contests of election under this act, must be certified, endorsed and sealed up as is required in taking depositions in suits of law, and if the contest is of the election of a senator or a member of the house of representatives of the general assembly of Alabama, the depositions must be directed to the presiding officer of that branch of the general assembly before which such contest is to be tried, at the seat of government, and deposited in the nearest post office.

Costs, how to be taxed.

SEC. 67. *Be it further enacted*, That on the determination of such contest, the secretary of the senate or the clerk of the house, as the case may be, must tax the costs due the commissioners, witnesses, the sheriffs and other officers for serving notices and subpoenas, as for similar services in courts of law, and certify the amount of each separate item, the name of the person entitled

thereto, and the result of such contest, to the clerk of the circuit court in which security for costs is required to be given by the provisions of this act, and the clerk of such court must thereupon issue execution in favor of the successful party for the amount of such costs, specifying the items, the amount of each, and the persons entitled thereto, with the bill of costs, which execution must be made returnable to the circuit court of such county next after its issue, and may be issued as often as may be necessary, and must, when collected, be paid by the officer collecting, on demand, to the parties thereto. How collected.

SEC. 68. *Be it further enacted*, That if it be certified that the determination of the contest was against the party contesting, such execution must issue against such party and his security for costs. If against contestant.

SEC. 69. *Be it further enacted*, That the clerk is entitled to one dollar for issuing the first execution and fifty cents for issuing each alias execution. Clerk's fees.

SEC. 70. *Be it further enacted*, That any elector choosing to contest any election for any office which is filled by the vote of a single county, except for members of the general assembly or judges of probate, or to contest any election for justice or constable, must, within fifteen days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit, as required by section forty-nine of this act, to the judge of probate of the county in which such election was held, who must appoint a day not less than fifteen nor more than twenty days from the time of such presentation for the trial thereof, and endorse the same on such statement; he must also, at the same time, give security for the costs of such contest, to be approved by such judge, but in no case shall such judge of probate require more than five hundred dollars as security. A copy of such statement, with the day of trial endorsed thereon, must be served on the person whose election is contested, or left at the usual place of residence, at least ten days before the day appointed for trial, by any sheriff or constable, and the original notice returned to such, with the mode of service endorsed thereon; after the notice required has been given, either party is entitled to subpoenas to compel the attendance of witnesses on the day fixed for trial, which must be issued on application by the judge of probate, before whom the contest Elector may contest. How.

is to be tried; the same proceedings may be had against defaulting witnesses as in matters litigated in courts of probate, such proceedings being returnable to any regular court of probate, held within three months after such proceedings are taken. Testimony may also be taken by deposition in such cases, and in like manner as in matters litigated in the probate court. The witnesses and commissioners are entitled to the same compensation as in other cases, and the court may, for good cause, continue the trial to some other day, but no continuance must be over thirty days, and such trial must not be continued more than twice on the application of the same party.

Duties of Probate Judge in such contest.

SEC. 71. *Be it further enacted*, That the judge of probate has authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable, and after hearing the proofs and allegations, must give judgment, either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

Judgment in favor of person receiving highest number of votes.

SEC. 72. *Be it further enacted*, That if it appear that any other person than the one whose election is contested receive the highest number of legal votes, judgment must be given, declaring such person duly elected, which judgment, if it be in relation to an officer entitled under the provisions of the law of this State to a commission, must be certified to the secretary of state, who must commission such person, and such judgment has the effect of depriving the person whose election is contested of all claim and right to such office, and investing the person declared by such judgment duly elected with the right to the same.

Effect of judgment.

In case the sheriff gives casting vote.

SEC. 73. *Be it further enacted*, That if it appear that two or more persons have received an equal number of legal votes for such office, the trial of such contest must be temporarily adjourned, and such result certified to the sheriff of the county in which such election was held, and he must give the casting vote in such case, and the casting vote being given, judgment must be rendered declaring such person to whom such vote is given

elected. And if such person is not the one whose election is contested, the judgment must be certified to the secretary of state, and such person commissioned as under the preceding section.

SEC. 74. *Be it further enacted*, That when the person whose election is contested is proved to be ineligible to the office, judgment must be rendered declaring the election void as to such office, and the office vacant, which vacancy shall be filled as is now provided by law. If person ineligible office declared vacant.

SEC. 75. *Be it further enacted*, That when the election is declared void, or when any other person than the one whose election is contested is declared elected, the party contesting recovers of the person whose election is contested all costs, for which execution may issue, returnable to any regular terms of the court of probate within three months after its issue. Costs.

SEC. 76. *Be it further enacted*, That to contest any election for the office of judge of probate, the party contesting must file his ground of contest in the office of clerk of the circuit court and give security for the costs of such contest, to be approved by the clerk of the circuit court of the county in which the election was held, who must make the statement of the grounds of such contest and give notice to the person whose election is contested, in the mode prescribed in the preceding sections of this act. Such contest must be heard and decided by the judge of the circuit court of the county where the election was held. Contest for probate judgeship heard by circuit judge.

SEC. 77. *Be it further enacted*, That any person choosing to contest any election for the office of circuit judge must, within twenty days after the person whose election he contests is declared elected, present the statement of the grounds of contest as required by section fifty of this act to the chancellor of the division in which such election is held, who must appoint a day of trial, not less than thirty nor more than fifty days from the day of such presentation, and the place of trial, which must be at some place in the circuit in which such election was held, and where, under the laws of this State, a court of chancery is required to be held, which day and place of trial must be endorsed on such statement. Contest for circuit judgeship tried by chancellor.

SEC. 78. *Be it further enacted*, That a copy of such statement, with such endorsement thereon, must be served on the person whose election is contested, or left at his usual place of residence, at least twenty days before. Proceedings.

Copy of statement served.

fore the day appointed for the trial, by a sheriff or constable, and returned to the register in the chancery district in which the same is to be tried, upon filing security for cost of such contest, to be approved by the register in chancery.

PRECEDING SECTIONS APPLICABLE. SEC. 79. *Be it further enacted*, That the provisions of the preceding sections of this act in relation to contested elections shall apply to all contests for the office of circuit judge to be tried before the chancellors of this State so far as the same are applicable.

APPEALS. SEC. 80. *Be it further enacted*, That in all contested elections an appeal lies from the probate to the circuit court, and a trial *de novo* shall be had, and in all contested elections before the chancery court on the record to the supreme court, within twenty days.

BOND AND SECURITY ON APPEAL. SEC. 81. *Be it further enacted*, That before taking an appeal the appellant must give bond and security for the costs thereof, to be approved by the judge of probate, register or clerk of the circuit court, but in no case shall the appeal bond be required for more than one thousand dollars, and the name of such securities certified with the record to the appellate court, and if the decision is against the appellant, the clerk of the appellate court may issue execution for the costs of the appeal against such securities.

FEES. SEC. 82. *Be it further enacted*, That the judge of probate shall be entitled to three dollars for each trial of contested elections, and for such other services in such contest the judges of probate, sheriff and other officers are entitled to the same compensation as for like services in the circuit or chancery courts, to be taxed as costs against the unsuccessful party.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT. SEC. 83. *Be it further enacted*, That on the day prescribed by this act there are to be elected by general ticket a number of electors for president and vice president of the United States equal to the number of senators and representatives in congress which this State is at the time of such election entitled to.

ELECTION FOR "ELECTORS." SEC. 84. *Be it further enacted*, That in all elections for electors for president and vice president the board of county supervisors of each county, as organized under the forty-fourth section of this act, must, within five days after making the statement of the county vote as required by the preceding section of this act, return the result of the same to the secretary of state.

SEC. 85. *Be it further enacted*, That the governor shall, within fifteen days after the time for making the returns, as prescribed in the preceding sections of this act, in the presence of the secretary of state, auditor and treasurer, or either of these in the absence of the others, estimate the returns, ascertain who are elected, and notify them by proclamation. Gov. must estimate returns
Notice of election.

SEC. 86. *Be it further enacted*, That if on such estimate it is found that an election of the number of electors to which the State is entitled is not made by reason of two or more persons having received an equal number of votes, the governor must forthwith elect between those having an equal number of votes. Tie, how decided.

SEC. 87. *Be it further enacted*, That the electors for president and vice president are to assemble at the seat of government, at ten in the morning, on the first Wednesday in December next after their election, or at that hour on such other day as may hereafter be fixed by the congress, to elect such president and vice president, and those of them present at that hour must at once proceed by ballot and plurality of votes to supply the places of those who fail to attend on that day and hour. Electors assemble at seat of government
Vacancies to be filled.

SEC. 88. *Be it further enacted*, That each elector for president and vice president is allowed ten dollars for each day he necessarily attends at the seat of government, and ten dollars for every twenty miles traveled to and from the same, to be estimated in the same manner as provided by law in relation to members of the general assembly, to be paid on the oath of such elector by warrant on the State treasurer. Per diem and mileage.
How comput'd

SEC. 89. *Be it further enacted*, That if any officer or officers required by the provisions of this act to make returns of any election to the secretary of state or the presiding officer of the senate, wilfully or corruptly fails or refuses to make such returns within the time herein prescribed, he forfeits to the State one thousand dollars, recoverable by motion to be made by the solicitor of the proper county in the name of the State, in the circuit court of the county of such returning officer, upon three days notice of such motion, and the certificate of the secretary of state, or the presiding officer of the senate, as the case may be, setting forth that such Failure of officer to make returns.
Evidence of failure.

return has not been received, is presumptive evidence of the failure of such officer to make such return.

Upon failure of return, notice to be given solicitor.

SEC. 90. *Be it further enacted*, That whenever the return of any officer or officers required by this act to be made to the secretary of state, or to the presiding officer of the senate, is not received within the time prescribed, such secretary of state, or presiding officer of the senate, must make notice thereof to the solicitor of the proper county, and furnish him with the certificate specified in the preceding section, and thereupon such solicitor must make the motion as heretofore required.

His duty.

Failure of officers to perform duties.

SEC. 91. *Be it further enacted*, That if any inspector, clerk, or other officer on whom any duty is imposed by the provisions of this act, willfully neglects to perform such, or is guilty of any corrupt conduct in the execution of the same, and such neglect or corrupt conduct is not herein expressly provided for, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars.

Penalty.

Corrupt conduct.

SEC. 92. *Be it further enacted*, That if any person by bribery, or offering to bribe, or by any other corrupt means, attempts to influence any elector in giving his vote, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage at any election within this State, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars, and sentenced to any work house or jail of any county in this State for not less than thirty days nor more than six months, at the discretion of the jury trying the same.

Penalty.

Altering votes.

SEC. 93. *Be it further enacted*, That any person who fraudulently alters or changes the vote of any elector, by which such is prevented from voting as he intended, is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars, and shall be imprisoned in the county jail not less than thirty days nor more than six months.

Penalty.

Tie vote.

SEC. 94. *Be it further enacted*, That in all elections where there is a tie between the two highest candidates for the same office, for all precinct or county officers it shall be decided by the sheriff of the county; in case of the office of the circuit judge, chancellor, or any State officer, it shall be the duty of the secretary of state, in the presence of the governor, lieutenant governor, and

How decided.

such other electors as may choose to be present, to decide the tie by lot.

SEC. 95. *Be it further enacted*, That it shall be the Duty of sheriff duty of the sheriff of each county in this State, on each day of election, to be present, in person or by deputy, at all election precincts where elections are held in his county, whose duty it shall be to maintain good order; and no person shall be allowed within thirty feet of the ballot box, except while casting his vote. In order that every elector who desires to vote shall do so without interference or interruption, and to maintain good order, and to carry out the intent and purposes of this act, Deputies. such sheriff or his deputy may specially depute a sufficient force to act at all election precincts on the day of any election that he in his judgment may deem necessary to maintain good order, and in case of necessity raise a *posse comitatus* to put down all riots, or attempted riots, or disturbances.

SEC. 96. *Be it further enacted*, That any sheriff or deputy sheriff willfully or corruptly failing to perform any Penalty for failure. of the duties imposed by the last preceding section of this act, shall be guilty of a felony, and on conviction shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same, and the office of said sheriff declared vacant.

SEC. 97. *Be it further enacted*, That if any person or Disturbers of elections. persons disturb on election days, or prevent or attempt in any way to prevent any elector from freely casting his ballot, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than How punished five hundred nor more than one thousand dollars, and sentenced to any workhouse or jail of any county of this State for not less than six months nor more than one year, at the discretion of the court trying the same.

SEC. 98. *Be it further enacted*, That no elector shall be Arrest; how made. arrested on the day of any election upon any warrant or process issued previous to or upon such election day, unless the same charges the commission of a felony, and shall be free from arrest on such election day, except as aforesaid, unless it be for a violation of any of the provisions of this act, or for a breach of the peace, or attempt of a breach of the peace; and in such cases the sheriff or deputy sheriff shall arrest such person or per-

How discharged.

sons so violating, without process, and safely confine such person or persons until he or they can give bonds with good security, to be approved by the sheriff, for his appearance before the next circuit or city court to answer any indictment which may be found against him, and in case of a failure to give bond, such person shall be committed to the county jail to await the action of the grand jury of the county.

Spirituuous liquors.

SEC. 99. *Be it further enacted*, That it shall be unlawful for any person or persons to sell or give away any liquors, of whatever kind or description, during the day on which any election may be held in this State, or on the day next preceding such election day; and it shall be the duty of the sheriff, deputy sheriff, or any constable, to arrest all persons violating the provisions of this section, as prescribed in the last preceding section of this act; and any person violating the provisions of this section is guilty of a misdemeanor, and on conviction must be fined and imprisoned, at the discretion of the court trying the same.

Intoxication.

SEC. 100. *Be it further enacted*, That any person found drunk or intoxicated at or about any polling place during any election day, shall be arrested by the sheriff or his deputy, and dealt with as prescribed in section ninety-eight of this act, and may be indicted for a misdemeanor, and suffer the pains and penalties prescribed in this act.

Illegal voting

SEC. 101. *Be it further enacted*, That it shall be unlawful for any person to vote at any county or State election in this State who has not registered and duly taken and subscribed to the oath prescribed by section four, article seven of the constitution of this State; and any person violating this section of this act shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail, or sentenced to any workhouse of any county of this State, not less than one nor more than six months, at the discretion of the court trying the same.

How punished

Repeal.

SEC. 102. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed; *Provided*, as to contests pending at this time under the laws of this State, the same shall not be affected by the provisions of this act; *And provided*, That sections 397, 398, 399 of the Revised Code are hereby continued in full force; *Provided*, that nothing

herein contained shall be construed as repealing or affecting in any wise any laws authorizing municipal elections so long as the same are in force; *And provided also*, that it shall not apply to any prosecution now pending under the election laws of the State.

Approved March 3, 1875.

No. 19.]

AN ACT

To preserve elections from political interference, by preventing any chancellor, or chancery court, or other officer having chancery powers, from exercising jurisdiction over any matter appertaining to any election in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no jurisdiction exists in or shall be exercised by any chancellor, chancery court, or any officer exercising chancery powers in this State, to entertain any cause or proceeding for ascertaining the legality, conduct or results of any election in this State, except so far as authority so to do shall be specially and specifically enumerated and set down by statute; and that any injunction, process, order or decree from any chancellor, chancery court, or officer in the exercise of chancery powers, whereby the results of any election are sought to be enquired into, questioned or affected, or whereby any certificate of election is sought to be enquired into or questioned, (save as may be specially and specifically enumerated and set down by statute as aforesaid,) shall be null and void, and shall not be enforced by any officer of this State, or obeyed by any person; and should any chancellor or other officer hereafter undertake to fine or in any wise deal with any person for disobeying any such prohibited injunction, process, order, or decree, such attempt shall be null and void, and an appeal shall lie forthwith therefrom to the supreme court then sitting, or next to sit, without bond, and such proceedings shall be suspended by force of such appeal; and the notice to be given of such appeal shall be five days.

No jurisdiction over elections by chancery courts.

Approved March 15, 1875.

No. 20.]

AN ACT

To make persons ineligible to office under the laws of this State who hold any office of profit or trust under the laws and government of the United States.

Any person except postmaster holding office under the United States ineligible to office in the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter any one, except postmasters, holding an office of profit or trust under the laws and government of the United States, or any person holding any temporary authority under any officer of the United States, shall be ineligible to any office of profit or trust under the laws and government of the State of Alabama, nor hold or exercise any position or authority in conducting any election held for State officers in this State, any law to the contrary notwithstanding.

Approved March 20, 1875.

No. 21.]

AN ACT

For the appointment of commissioners, to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of this State.

Appointment of commissioners. Term of office. Oath of office. Governor ex-officio a member.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor of this State be, and he is hereby authorized, by and with the advice and consent of the senate, to appoint two citizens of this State, who shall constitute a board of commissioners, who shall hold their office for the term of two years from the date of their appointment, unless the duties hereby confided to them shall be sooner performed; said commissioners, before assuming the duties of their said office, shall each file with the secretary of State his oath, in writing, that he will faithfully perform the duties of his office as herein declared, according to his best judgment. The governor of the State shall, ex-officio, also, be a member of of said board of commissioners.

Duties of commissioners.

SEC. 2. *Be it further enacted,* That it shall be the duty of said commissioners, and they are hereby authorized and empowered, to enquire of, ascertain, liquidate and adjust the subsisting legal liabilities of the State of Ala.

bama, on bonds issued, and bonds endorsed in the name of the State of Alabama, and the coupons on the same, in such manner as the interests of the State may require; and by negotiation to provide for the payment of such amount of the said several legal liabilities as may be arranged for, under the powers hereby conferred; and the interest that may be agreed to be paid upon the principal so negotiated, in such manner and at such times as to them may seem advisable. And for this purpose said commissioners shall, by advertisement or otherwise, at as early a day as practicable, require presentation of all claims of the character aforesaid to them, with the amount claimed, and may enquire into the consideration alleged to have been paid or given to the State therefor, or that is alleged in support of the liability claimed against the State; *Provided*, however, that no adjustment of said alleged liabilities, or any part thereof, or arrangement for the payment of any sum in discharge thereof, shall be binding on this State, unless and until approved and ratified by the general assembly thereto.

May advertise
for presenta-
tion of claims.

Settlement to
be ratified by
general assem-
bly.

SEC. 3. *Be it further enacted*, That said commissioners be, and they are hereby required, to report their action in the premises, together with all the facts upon which their action is based, to the Governor, who shall, at each session of the general assembly, during the continuance of said commission, communicate the same, or so much thereof as may not be incompatible with the public interest, to the general assembly of the State of Alabama.

Must report to
Governor.

Governor to
communicate
report to gen-
eral assembly.

Approved December 17, 1874.

No. 22.]

AN ACT

To declare a lien in favor of laborers, mechanics and employes, and to provide for the enforcement thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a lien is hereby created in favor of all laborers and employes of each of the several railroad companies operated in the State of Alabama, except the officers of said companies, for all debts due to them for work and labor done and performed by them for every such railroad company, and such lien shall extend to all

A lien created
in favor of rail-
road laborers
and employes
for work and
labor.

the property, rights, effects and credits of every description of such railroad company situated in this State.

SEC. 2. *Be it further enacted,* That all contractors, mechanics, builders, bricklayers, plasterers, painters and every other person whatever in the State of Alabama shall have a lien for work and labor done by them as such, and for materials furnished, and such lien shall extend to all the rights, title and interest of the person or persons for whom the work is done or the materials furnished in the property upon which such work and labor is done and for which materials are furnished, including the land upon which all such property may be situated.

Lien in favor of contractors, mechanics, builders, bricklayers, plasterers, painters and others created.

SEC. 3. *Be it further enacted,* That a lien is hereby created in favor of all agricultural laborers and superintendents of plantations in the State of Alabama upon the crops grown upon the land during the current year, in and about which they are employed, for the hire and wages due them for labor and services rendered by them in and about the cultivation of the crops under any contract for such labor and services during the current year, which lien shall be subordinate to the landlord's lien for rent and to the lien for supplies furnished to make the crops as now provided by law ; *Provided,* That whenever it becomes necessary for an agricultural laborer or superintendent of a plantation to resort to his suit at law to enforce the collection of a debt due him for his hire or wages, and the suit of attachment, either original or ancillary, shall have been sued out and levied upon the crops raised and cultivated in whole or in part by such laborer or superintendent of a plantation, the sheriff or other officer, in making the levy of such attachment, shall not attach a greater portion of said crop than is sufficient to satisfy the claim of said laborer or superintendent of a plantation, together with the costs of said suit.

Also in favor of agricultural laborers and superintendents of plantations.

Proviso.

SEC. 4. *Be it further enacted,* That the liens hereby created shall each be held to be waived and abandoned at the expiration of six months after said work shall have been completed, unless proceedings are within that period commenced to enforce the same as hereinafter set forth.

Lien waived at expiration of six months.

Process of attachment authorized.

SEC. 5. *Be it further enacted,* That for the enforcement of the liens herein above created, the party aggrieved shall be entitled to process of attachment, to be issued

by any of the officers of the law now authorized to issue writs of attachment, and to be returnable before any court having jurisdiction of the same; *Provided, however,* That before any such writ of attachment shall issue, the party suing out the same, or his agent, shall make affidavit before any officer authorized to administer oaths of the amount due under any of the provisions of this act, and the same remains unpaid, and further, that such attachment is not sued out for the purpose of vexing or harassing the defendant, and describing therein the property upon which said lien is claimed.

Affidavit required.

SEC. 6. *Be it further enacted,* That in every case provided for by the third section of this act, the laborer or superintendent, as the case may be, shall have his writ of attachment, whether the demand is due or not, upon making oath before the officer aforesaid that such demand is or will be due under the provisions of said third section; and further, that the defendant, without the consent, contract or agreement of the plaintiff, is about to remove the crop from the premises without paying such demand, or that said defendant has removed such crop or some portion thereof without the consent of, and contrary to his contract with the plaintiff, as the case may be.

May have attachment whether debt due or not.

SEC. 7. *Be it further enacted,* That before any attachment provided for by this act shall issue, the officer before whom it is applied for must require the plaintiff or his agent to execute bond, with surety, in accordance with section 2931 of the Revised Code of Alabama.

Bond.

SEC. 8. *Be it further enacted,* That in all cases provided for by this act, triable in courts of record, every such case shall be tried at the first term thereof, provided written notice shall have been served upon the defendant twenty days before the first day of such term, or in case of non-resident defendants, that four weeks notice by publication shall have been given of the pendency of such proceeding; and that in all cases before justices of the peace or notaries public, such cases shall be tried at the first term, provided written notice shall have been served upon the defendant for five days before the first day of such term, or in the case of non-resident defendants, that four weeks notice by publication shall have been given of the pendency of such proceedings.

Cases under this act triable at first term upon proper notice.

Mode of giving notice.

SEC. 9. *Be it further enacted,* That the publication

herein provided for may be made by the clerk of the court in which such proceedings may be commenced, without first having obtained any order of the court therefor, or in cases before justices of the peace or notaries public by such officers.

Garnishment. SEC. 10. *Be it further enacted,* That all the property upon which a lien is created under the provisions of this act, or the proceeds thereof in the hands of third parties, shall be subject to garnishment for the enforcement and satisfaction of the lien herein created, such process of garnishment to be governed by the laws now in force, so far as the same are applicable.

Other remedies not affected. SEC. 11. *Be it further enacted,* That nothing in this act contained shall be construed so as to prevent any person having a lien under this act from commencing his suit therefor in any of the courts in this State having jurisdiction thereof.

Crop not to be removed until rent and advances paid. SEC. 12. *Be it further enacted,* That no part of any crop levied upon by any officer under the provisions of this act shall be removed from the premises on which it was raised until all claims for rent of land or advances for the current year are satisfied.

Prior lien to be satisfied. SEC. 13. *Be it further enacted,* That any officer collecting any of the debts provided for in this act under a judgment, attachment, or order of sale, shall first pay and satisfy the debt or claim of any third party having a prior lien upon said property, provided said claim shall have been established and proven and ordered to be paid by the court before which the same is tried.

SEC. 14. *Be it further enacted,* That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.

Approved March 19, 1875.

No. 23.]

AN ACT

To license and regulate the keeping of inns and hotels, and in reference to houses of entertainment for boarders and transient persons.

Must take out license.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That every keeper of an inn or hotel shall take out a license, to be issued by the judge of probate of the

county in which such inn or hotel is located, for which the proprietor or keeper of the same shall pay a license tax to such judge of probate of twenty dollars, if located in a town of twenty-five hundred population or less; of thirty dollars, if located in a town of a population between twenty-five hundred and five thousand; of fifty dollars, if located in a town of a population between five thousand and ten thousand; and seventy-five dollars, if located in a town of a population greater than ten thousand, or at that rate per annum for such year ending on the 31st day of December, and shall pay no other income tax on such business, and the liabilities of the keepers of such inns or hotels, and of the persons who are guests at such inns or hotels, shall be such as are fixed by the laws of the land, in the absence of a special contract regulating the same made between the parties thereto. Such license tax shall be divided between the State and the county.

Price.

Liabilities of the keeper.

License tax divided.

SEC. 2. *Be it further enacted*, That any person or corporation having taken out a license to keep an inn or hotel under the laws of this State, may surrender the same to the judge of probate of the county in which such license was taken out, and shall thenceforth cease to be the keeper of a hotel or inn within the meaning of this act. But nothing contained in this act shall be construed as vacating or annulling any license that shall not be so surrendered, and persons required by this act to obtain a license to keep an inn or hotel, and none others, shall be considered as inn keepers or hotel keepers.

May surrender license.

Definition of inn-keepers.

SEC. 3. *Be it further enacted*, That any person or corporation in this State, or any corporation of another State, shall have the right, without taking out any license therefor, to keep a house or place for the entertainment of boarders, lodgers, transient persons, or guests in any town, city, or village of this State, and shall be liable to pay to the State a tax of seventy-five cents on the one hundred dollars on the net income of such business, and to the county in which such business is carried on a tax of fifty cents on the one hundred dollars of the net income of such business, to be assessed by the tax collector in each tax year upon the business of the preceding year, or part of a year, but not less than ten dollars to the State and five dollars to the county, and may be required to pay to the municipal corporation where the

Who may keep house of entertainment.

Rates of tax.

Minimum tax.

Municipal tax may be levied.

business is carried on a tax equal to that assessed for the use of the State.

Who may demand board or lodging.

Contract to be made.

No compensation without such contract.

Penalty for keeping an inn without license

Exceptions.

SEC. 4. *Be it further enacted*, That no person shall have the right, otherwise than by special contract made with the keeper of any unlicensed house or place of entertainment mentioned in the third section of this act, to demand or receive from such person or corporation board, lodging or entertainment at such house or place of entertainment, and the parties to such contracts shall each be bound by the stipulations thereof lawfully made, and not otherwise; and any person in any city, town or village of this State, who shall keep a house or place of entertainment, such as is mentioned in the third section of this act, and who shall entertain any boarder, lodger, or transient person at such place without first making such special contract, to be evidenced by a memorandum in print or in writing, to be furnished to such guest, boarder or lodger by the keeper or manager of such house or place of entertainment, shall not be allowed to receive from such lodger, boarder or guest any compensation for the lodging or entertainment so furnished by him.

SEC. 5. *Be it further enacted*, That any person who keeps an inn or hotel as defined in this act, without first having taken out a license as herein provided, and the agent or manager of any corporation guilty of keeping such inn or hotel, shall be liable to indictment, and on conviction shall be fined in a sum not less than fifty dollars nor more than one hundred dollars, which, when collected, shall be paid in as taxes to the proper treasury.

SEC. 6. *Be it further enacted*, That persons not residing in any city, town or village may entertain travelers, boarders and transient persons without taking out any license or paying any tax therefor, and shall not be held to be inn keepers, or hotel keepers, or keepers of other places of entertainment, within the meaning of the laws of this State.

Approved March 22, 1875.

No. 24.]

AN ACT

To provide for the calling of a convention to revise and amend the constitution of this State.

WHEREAS, an experience of more than six years has shown that the present constitution of Alabama is grievously defective, and operates to the injury of the good people of this State, and imposes burthens oppressive to their industry, and in restraint of the prosperity which they might obtain under the influence of a better devised constitution; and whereas, the amendments to be desired are numerous, and can not be obtained in the form of proposing them to the people for a direct vote thereon, but require careful deliberation by delegates from the people selected for that purpose, so that a harmonious system of government may be devised, consistent in all its parts, and suited to the wants and circumstances of the people of Alabama; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an election shall be held in each county of this State, on Tuesday after the first Monday in August, 1875, by the qualified voters of this State, for the election of delegates to a convention to be held on the 1st Monday in September, 1875, for the purpose of taking into consideration the constitution of this State, and revising and amending the same in the particulars wherein said constitution appears to require amendment, *Provided, however,* That such convention shall only be held in case it appears that a majority of all the electors of this State, twenty-one years of age and upwards, who may vote at said election, approve of such convention by voting therefor, in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That at the election directed by the first section of this act, every qualified elector of this State voting at said election, who approves of the holding of such convention, shall declare the same by depositing his ballot at the voting place where he may be entitled to vote, with the words "For Convention" written or printed, or partly written and partly printed thereon; and every qualified elector of this State, voting at said election, who disapproves of the holding of such convention, shall deposit his ballot with the words "Against Convention" written or printed, or partly written and partly printed thereon. Upon the

Preamble.

Election Tuesday after first Monday in August.

Proviso; Convention called if approved by a majority.

Ballots for or against convention.

Election of delegates. same ballot on which each qualified elector of this State may vote for or against such convention, as the case may be, he may also vote for a delegate or delegates to said convention, as the county and senatorial district in which such elector is entitled to vote may be entitled to elect to said convention under the provisions of this act.

Qualification of electors. SEC. 3. *Be it further enacted*, That the delegates to said convention shall be citizens of this State, and shall have the qualifications required for senators of this State under the constitution and laws thereof. The said con-

Apportionm't of delegates. vention shall be composed of one delegate from each county in this State, and one delegate from each senatorial district in the State, and one additional delegate from the county of Mobile.

Writs of election by governor. SEC. 4. *Be it further enacted*, That it shall be the duty of the governor of this State, at least sixty days prior to the election herein provided for, to issue to the sheriffs of the several counties of this State writs of election requiring the said sheriffs, respectively, forthwith to take all necessary steps for the holding the election herein directed, in their respective counties, in the mode and manner provided by law; and said election shall be held in the same manner, and by the officers as provided by law for general elections in this State. The

Returns made to secretary of state. returns of said election shall be made to the secretary of state, in the same manner and within the same time as returns are directed to be made for the election of members of the general assembly, and shall be by him opened and declared in the presence of the lieutenant governor and attorney general of this State, within not less than ten days after the time fixed by the law for the returns to him of the election of members of the general assembly.

Open'd and declared in presence of lieutenant governor and attorney general.

Certificate of Secretary of State to Governor. SEC. 5. *Be it further enacted*, That it shall be the duty of the secretary of state, immediately after the returns of the said election shall have been opened and declared as required by the preceding section, to certify to the governor of this State, over his hand, the number of votes cast for, and the number of votes cast against a convention. If it appears that there is a majority of votes in favor of the convention, it shall be the duty of the governor to give public notice of the fact by proclamation, published twice in each of the cities of Mobile, Montgomery, Selma, Talladega, Eufaula, Tuscaloosa, Birmingham and Huntsville, and therein also to call

Proclamation.

upon the delegates elect to assemble at the time and place, and for the purpose herein designated. Upon such proclamation being made, it shall be the duty of the secretary of state to notify the persons who may appear to be elected, of their election, and on demand to furnish to each a certificate of his election, as in the case of persons elected to the general assembly. If the majority of votes be found to have been cast against such convention, public notice thereof shall be given by the governor in the manner above prescribed, but no certificate of election shall be issued to any person as a delegate, and no convention shall be held.

Certificates of election.

Majority against convention.

Proclamation to issue.

SEC. 6. *Be it further enacted*, That if the holding of such convention be approved by the qualified electors of this State, as hereinbefore provided, then the delegates elected thereto shall convene in the hall of the house of representatives in the city of Montgomery, on the first Monday in September, 1875, at twelve, meridian, of said day, and shall then and there proceed to organize said convention by the election of a president from among themselves, and such other officers (who need not be delegates) as said convention may deem necessary for the proper performance of the duty assigned to the convention. Said convention shall continue in session till it shall, by a careful revision and amendment of the present constitution, frame and adopt a revised constitution for this State; but said revised constitution shall not become operative till it be ratified by a majority of the qualified voters of this State, voting at an election to be held for that purpose.

Time and place of convention.

Organization.

Constitution to be ratified by the people.

SEC. 7. *Be it further enacted*, That in case any dispute occur as to the right of any person to sit in said convention as a delegate thereto, the question shall be decided by the said convention, which shall be the exclusive judge of the election, qualification and returns of its own members.

Contests decided by the convention.

SEC. 8. *Be it further enacted*, That the delegates to said convention shall be supplied with stationery, and the use of books, statutes, reports and documents, the same as members of the general assembly. The officers of said convention shall receive the same compensation, payable out of the treasury of the State, as corresponding officers of the house of representatives may be by law allowed. The said delegates shall receive for their services the same per diem and mileage, from the treas-

Stationery supplied.

Compensation.

ury of the State, as may be allowed to members of the general assembly. These payments shall be made on the certificate of the president and secretary or clerk of the convention to the auditor of state, as payment of compensation to members of the general assembly is by law directed to be made ; *Provided*, That per diem compensation shall not be allowed or made to any member of the convention for a longer time than thirty days.

Proviso.

Limitation of the powers of convention.

Common schools provided for.

Parts of constitution may be submitted in the alternative.

Copy of constitution filed with Secretary of State.

Journal filed with Secretary of State.

SEC. 9. *Be it further enacted*, That if such convention be called, it shall not be authorized to make any ordinance, rule or law, which shall be binding on the people of this State, or any part of them, nor to deprive any person in office of his right to said office, as now held by him under the constitution and laws of this State, nor to place any property or educational qualification upon the right to vote in this State, nor to do any act but to frame and recommend for adoption a constitution, amendatory and revisory of the constitution now in operation in this State. In the constitution so framed, it shall be the duty of the convention to provide for a system of common schools, as liberally as the means of the State will permit, and to be enlarged as those means shall increase. Said convention may, in its wisdom, present portions or parts of the constitution for consideration distinct and apart from other portions or parts, and may present portions or parts of such constitution to be considered and decided upon in the alternative, so that plans of amendment, which may be proposed, may be approved or rejected upon their own merits, without interfering with other parts of the amended constitution, and the best practicable scheme of government secured for the good people of this State. It shall be the duty of said convention to cause to be filed with the secretary of state, within one week after its adjournment, certified by the hand of its president and its secretary or clerk, a clean and correct copy of the constitution, and recommendations which said convention may agree upon, and also in its said returns distinctly to state which portions of said constitution, if any, said convention desires should be considered and decided upon separately from other parts of said constitution, and which, if any, part or parts, should be considered and decided upon in the alternative, or the one as the substitute for the other. Said convention shall cause a correct journal of its proceedings to be kept, and cause the same, certified by the

hands of its president and secretary or clerk, to be filed on its adjournment, with the secretary of state. The governor shall cause constitution and recommendations of said convention to be laid before the general assembly at its next session, together with the returns of the election hereinafter required to be held for the adoption or rejection of said constitution. Duty of Governor.

SEC. 10. *Be it further enacted*, That in the event of the framing of such constitution by said convention, it shall be the duty of the governor, within one week after the filing of the same with the secretary of state, to issue his proclamation, published as hereinbefore required for the proclamation to assemble the convention, to make known the fact that such constitution has been framed, and thereby to require an election to be held in the several counties of this State, in the same manner and by the same officers as general elections are required to be held, for the purpose of submitting to the qualified voters of this State the ratification or rejection of the said constitution. This election shall be held not less than thirty days nor more than sixty days after the date of said proclamation. At this election each qualified voter, voting in favor of said constitution, so framed by the convention held under this act, shall deposit his ballot at the voting place where he is by law entitled to vote, on which shall be written or printed, or partly written and partly printed, the words "for constitution," and those voting against said constitution shall, in like manner, deposit his ballot, on which shall be written or printed, or partly written and partly printed, the words "against constitution." The returns of this election shall be made in the manner, and within the time, and to the officer, and be by him opened and the result declared in the manner and form herein provided in the 4th section of this act. The same shall be certified to the governor, and by him made known to the people of this State in the manner provided by the 5th section of this act; and from and after a day to be named in such proclamation not more than ten days from the date thereof, if the said constitution shall be found to have been ratified by a majority of all the qualified electors voting at said election, the said new constitution so ratified shall go into immediate effect as the constitution of the State of Alabama, and shall thenceforth be bind- Proclamation to assemble convention.

Ballots.

Returns of election.

ing and obligatory as such upon all the people of this State.

Mode of sub-
mitting parts
of constitution
in the alter-
nate.

SEC. 11. *Be it further enacted*, That in case said convention propose parts or portions of said constitution for ratification, separately from the body thereof, or the one as the alternate or substitute for any other, it shall be the duty of the convention so to frame the same that the sense of the qualified electors of the State may be taken thereon at the election to be held in pursuance of the tenth section of this act, so as to determine which and what part of said amendments so proposed are ratified, and which rejected, by the qualified electors of the State by their votes at said election; and for this purpose, to designate them by articles, sections, or paragraphs, and to direct the formula to be used by the said qualified electors on their several ballots, whereby to express their will as to their approval and adoption, or their rejection of the same, or of the alternate or substitute which may be proposed for their election and decision.

Publication of
constitution.

SEC. 12. *Be it further enacted*, That at the time of the publication of the proclamation by the governor, causing said proposed constitution to be submitted, for ratification or rejection, to the qualified voters of this State, it shall be the duty of the governor to cause a copy of said proposed constitution to be published, as his proclamation required by the fifth section of this act is directed to be published, or to be printed upon a separate sheet and circulated with the newspaper in which the proclamation required by this section shall be published.

Legislation to
carry into ef-
fect new con-
stitution.

SEC. 13. *Be it further enacted*, That it shall be the duty of the next general assembly of this State to enact all laws which may be necessary to carry into effect the provisions of such new constitution, in case the same be ratified by the qualified electors of this State.

Convention to
be convened at
another place
in case of epi-
demic, &c.

SEC. 14. *Be it further enacted*, That if an epidemic or pestilence prevail at the place for the assembling of said convention at the time appointed, the governor may convene the same at any other city or town in the State, which shall be free from disease; and the said convention, at its discretion, may adjourn to any other city or town in case an epidemic or pestilence occur during its session at the place where it may be assembled.

SEC. 15. *Be it further enacted*, That before entering upon the discharge of his duties as a member of said convention under this act, each delegate shall, before a

chancellor, or a judge of a circuit or the supreme court of this State, take the following oath: I do solemnly swear that I will support the constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate to this convention, charged with the duty of framing a revised and amended constitution of the State of Alabama, so help me God. Oath.

SEC. 16. *Be it further enacted*, That the several elections herein authorized, whether to determine upon the call of a convention, for delegates thereto, or to pass upon the ratification or rejection of a proposed revised constitution, or any part thereof, shall be conducted in all respects as by law required for the election of members of the general assembly or representatives in congress, at a general election for those purposes; and for all violations of the law committed at any election held under this act, the person or persons so offending shall be arrested, tried and punished as provided by the election laws of this State for violation of the law committed at the general election in this State for members of the general assembly thereof. Election; how conducted.

Approved March 19, 1875.

No. 25.]

AN ACT

To divide the State into eight Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the State of Alabama be and the same is hereby divided into eight congressional districts, as follows:

The first district shall be composed of the counties of 1st district. Clarke, Choctaw, Marengo, Mobile, Monroe, and Washington.

The second district shall be composed of the counties 2d district. of Baldwin, Butler, Conecuh, Crenshaw, Covington, Escambia, Montgomery, and Pike.

The third district shall be composed of the counties 3d district. of Barbour, Bullock, Coffee, Dale, Geneva, Henry, Lee, and Russell.

The fourth district shall be composed of the counties 4th district. of Dallas, Hale, Lowndes, Perry, and Wilcox.

5th district.

The fifth district shall be composed of the counties of Autauga, Bibb, Chambers, Chilton, Coosa, Clay, Elmore, Macon, and Tallapoosa.

6th district.

The sixth district shall be composed of the counties of Fayette, Greene, Jefferson, Marion, Pickens, Sanford, Sumter, Tuskaloosa, Walker, and Winston.

7th district.

The seventh district shall be composed of the counties of Blount, Calhoun, Cherokee, Cleburne, DeKalb, Etowah, Marshall, Randolph, St. Clair, Shelby, and Talladega.

8th district.

The eighth district shall be composed of the counties of Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, and Morgan.

Each entitled
to one repre-
sentative.

SEC. 2. *Be it further enacted*, That each of the afore-said districts shall be entitled to elect one representative to the congress of the United States, who shall be chosen by the qualified electors of said district.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 13, 1875.

No. 26.]

AN ACT

To make appropriations for the fiscal year ending September 30, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sums of money be and they are hereby appropriated for the purposes hereinafter specified, to be paid out of any money in the treasury not otherwise appropriated, for the fiscal year ending September 30, 1875:

Appropriations For compensation of the governor, four thousand dollars.

For compensation of the lieutenant governor, fifteen hundred dollars.

Compensation of the secretary of state, two thousand four hundred dollars.

Compensation of the auditor, two thousand four hundred dollars.

Compensation of the treasurer, two thousand eight hundred dollars.

Compensation of the attorney-general, two thousand dollars.

Compensation of private secretary of the governor, fifteen hundred dollars.

Compensation of the recording secretary, twelve hundred dollars.

Compensation of the clerk in the auditor's office, fifteen hundred dollars.

Compensation of the keeper of the State capitol, one hundred and fifty dollars.

Compensation of the judges of the supreme court, four thousand dollars each.

Compensation of circuit judges and chancellors, three thousand dollars each.

Compensation of the reporter of the supreme court, two thousand dollars.

Compensation of the marshal and librarian, two thousand dollars.

Compensation of the superintendent of public instruction, three thousand six hundred dollars.

Compensation of the commissioner of industrial resources, five hundred dollars.

Extra compensation of the secretary of the senate and clerk of the house of representatives, for filing and arranging papers of the two houses in the office of secretary of state, and copying the journals, four hundred dollars each.

For distribution of the acts and journals of the present session, six hundred dollars.

For a watchman for the State house and servants for the executive departments, fuel, lights, and stationery, three thousand dollars; *Provided*, That the watchman and servants shall be employed by the governor, and paid upon his order.

For incidental and contingent expenses, fifteen thousand dollars, or as much thereof as may be necessary, to be paid on the order of the governor in conformity to the law.

For the unpaid incidental expenses of the late administration of his excellency, David P. Lewis, the sum of seven thousand dollars, or so much thereof as may be necessary to meet such unpaid claims, to be paid on the order of the governor in conformity to the law.

For the *per diem* and mileage of senators and representatives of the general assembly, and compensation of

officers, clerks and employes of the senate and house of representatives, seventy-five thousand dollars, or as much thereof as may be necessary, at the rates provided by law.

Approved March 19, 1875.

No. 27.]

AN ACT

To compensate the commissioners to codify the laws of Alabama.

Compensation of commissioners to codify laws of State. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Walter H. Crenshaw, John White, and John A. Minnis, commissioners, &c., be and they are hereby allowed, each, the sum of two thousand dollars as a compensation for their services in codifying the laws of the State of Alabama; and the auditor of the State is hereby required to draw his warrant on the State treasurer in favor of each of said commissioners above named for the said sum of two thousand dollars, to be paid out of any money not otherwise appropriated, in full of all demands for their services and labor under the act approved December 17, 1873, entitled "An act to codify and revise the statute laws of Alabama of a general and public nature."

Approved March 5, 1875.

No. 28.]

AN ACT

To authorize the State of Alabama to bring civil suits for the assertion of its rights in all cases growing out of the issue or endorsement of bonds in the name of the State in aid of any railroad company.

State may sue. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the State of Alabama may hereafter institute and prosecute any civil suit at law or in equity For wh't cause for the assertion of its rights in any matter arising from the issue or endorsement of any bonds in the name of this State in aid of any railroad or railroad company in In what court. any court in this State which may have jurisdiction on

the subject matter of such suit, at the discretion of the governor or of the officer whose duty it may be to direct the institution of such suit; and for the effectual prosecution of such suit, all summons, writs, subpoenas and process connected therewith, whether mesne or final, shall run in any and every county in this State, and may be executed by the proper officer thereof, to whose hands such summons, writs, subpoenas or process may be directed or come in all respects the same as if such summons, writs, subpoenas or process had issued from a court sitting in the county in which the same is to be executed.

Process runs in every co.

Duty of officers.

SEC. 2. *Be it further enacted*, That any and all suit and suits now pending in any court of the character named in the first section of this act, must, on the motion of the State by its counsel, be removed to such court as may be designated by the governor in writing; and thereafter the original papers in such causes and copies of all orders and decrees therein certified by the clerk or register shall, at the expense of the State, be filed in the court to which the cause is so transferred, and the cause proceed, be heard, tried and determined in and by said court in all respects the same as if such cause had been originally begun in said court; and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Removal of suit.

When made.

Transcripts to be made.

How proceed'd with.

Approved January 23, 1875.

No. 29.]

AN ACT

To protect the State in the matter of the franchises and property of the Alabama and Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of Congress, and to authorize the present governor to sell and dispose of the same or any part thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all arrangements or instruments made by any former governor of Alabama which purport to be either sales or agreements for sale of the franchises and property of the Alabama and Chattanooga railroad

All former arrangements or instruments relating to the sale of the A. & C. Railroad disavowed.

company, or of the lands donated to the State of Alabama by acts of Congress for and on account of the Alabama and Chattanooga railroad, or of any part of such franchises, property or lands, be and are hereby respectively and severally disavowed and declared inoperative.

Present Governor authorized to sell said railroad. SEC. 2. *Be it further enacted*, That the present governor of the State be and he is hereby authorized and empowered to bargain, sell and convey, in the name of the State of Alabama, said franchises, property and lands, or any part or parcel thereof; *Provided, however*, That such sale or sales shall not embrace the title which the State acquired as a naked trustee under an act of Congress.

Approved March 20, 1875.

No. 30.]

AN ACT

To enable aliens to acquire, hold and dispose of property, real and personal, as native citizens.

Preamble. Whereas, an enlightened public policy looking to a speedy development of the resources of our State, especially its mineral resources, demands that our laws should be so shaped that every obstacle obstructing the influx of capital and labor should be removed, and the most liberal inducements compatible with the genius of our institutions offered to aliens, as well as native citizens, to invest their money in our State, thus adding to our material wealth and resources, therefore—

Aliens may take and hold property. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be lawful for an alien, resident or non-resident, to take and hold property, real and personal, in this State, either by purchase, descent or devise, and to dispose of and transmit the same by sale, descent or devise, as a native citizen.

May dispose of property same as native persons. SEC. 2. *Be it further enacted*, That in all cases where aliens, resident or non-resident, have heretofore acquired title to property, real or personal, in this State, in a lawful manner, said aliens, their assigns, heirs, devisees or representatives, shall hold and dispose of the same in the same manner as native citizens; *Provided*, That no

right acquired under existing laws of this State, and no suit or proceeding pending in any of the courts of this State, and no right of appeal from the judgment or decree of any of the courts of this State, is affected by the passage of this act.

Approved February 25, 1875.

No. 31.]

AN ACT

To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a Commissioner of Immigration, and a Board of Commissioners and Directors.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor is hereby authorized and empowered to appoint a commissioner of immigration and a board of directors for the State of Alabama. Said commissioner of immigration and board of directors jointly shall and are hereby authorized and empowered to adopt such constitution and by-laws, resolutions and rules, as may be applicable and safe to carry out the aims and objects of the purpose, as hereafter set forth in the following articles and sections, to induce and encourage immigration without coming in conflict with the constitution and laws of the United States and State of Alabama.

Article 1. It shall be the duty of the commissioner of immigration, according to the direction of the board of directors, to collect the fullest possible information and statistics in regard to the resources and products of the State, and its topography and geography; also, with regard to the price of land, prices of wages, and its supply of labor and capital; also, in regard to manufacturing, water power, timber, minerals, soils and climate; also, with regard to taxes, exemptions, schools, and such other information as may be useful to immigrants, and to prepare and arrange such information and statistics for ready and convenient reference; and it shall be also the duty of the heads of the different departments of the State officers to furnish to the said commissioner all information in their power to aid said commissioner in the performance of the duties of his office.

Article 2. To prepare and publish from time to time, in such languages as may be deemed advisable, circulars, pamphlets and maps, adapted to general circulation in this country and foreign countries, containing such information upon the above enumerated subjects and others as may be deemed best, and showing the comparative advantages of this State in all matters affecting the interest of labor and capital.

Article 3. To collect information and statistics in regard to immigration, and all matters relating thereto, both in this country and foreign countries.

Article 4. To give information to all persons who may apply, and such other persons as it may be regarded will serve the interests of the State; and especially to judges of probate, by letter, circulars and otherwise, of the mode and manner by which the citizens of the State may avail themselves of the advantages arising from immigration.

Article 5. To provide for an immigration depot in the city of Mobile, at which immigrants may be received and taken care of until the parties that have contracted for them can receive them.

SEC. 2. *Be it further enacted*, That the commissioner of immigration, according to the direction of the board of directors, shall be empowered, and are hereby authorized, to establish offices and appoint agents, both in this country and foreign countries, and to do all that can be lawfully done to induce and direct desirable immigration to Alabama, and to gather and report information upon the subject of immigration, and to impart to immigrants all information in regard to Alabama, and whose duty it shall be further to obtain the most favorable terms as to cheapness of fare, speed of transit and convenience and safety of conveyance to place of destination, and to see that such stipulations are at all times carried out in good faith.

SEC. 3. *Be it further enacted*, That in order to carry out the provisions of this act on the part of the commissioner of immigration and the board of directors, the commissioner of immigration is hereby authorized and empowered, according to the direction of the board of directors, to solicit aid from the various counties of the State of Alabama, such as may be necessary to carry out the aims and purpose of this act, and such aid to be applied at the direction of the board of directors to-

wards the expense of the accomplishment of the foregoing articles and sections of this act, and for the purpose of the publication and translation of said publication in pamphlet form, setting forth the resources and showing the comparative advantages which each county of this State possesses for immigration, and in order to equalize the amount from each county as authorized in this section, the commissioner of immigration and board of directors, jointly, shall meet as soon as practicable after their appointment to fix and apportion the proper ratio, according to the ability and census of each county, and such apportionment as may be made to each county shall be judiciously and equally divided, according to the ability and census of each county, and such application may be made at the option of the commissioner of immigration and the board of directors, jointly, through the commissioners courts of the various counties of the State of Alabama, the association of granges, or other organized bodies, such as boards of aldermen, boards of trade, or otherwise, as may be judged best, but it shall be in all cases a volunteer action on the part of the above named organized bodies, and on the part of the people of the various counties of the State of Alabama.

Meeting of
Board.

SEC. 4. *Be it further enacted*, That neither the commissioner of immigration nor the board of directors shall pledge the credit of the State, or to make it in any way liable for any sums of money beyond that which may be appropriated by voluntary action on the part of the people of this State, and as may be solicited or authorized in the foregoing sections of the various counties, and all agents of immigration, both at home and abroad, as may be appointed by the commissioner of immigration, shall receive no compensation nor salary from the State, and must be paid by the commissioner of immigration, according to the direction of the board of directors, out of the funds as solicited from different counties.

Credit of State
cannot be
pledged.

SEC. 5. *Be it further enacted*, That the commissioner of immigration and the board of directors may be appointed by the governor, shall and are hereby empowered jointly to increase their membership to any number, and from different sections of the State of Alabama, as may at any time, in their judgment, be beneficial to the success of the commissioner of immigration and the board of directors, and in case any vacancy occurs in

Commissioner
and Board of
Directors may
increase their
membership.

said board of directors, by resignation or otherwise, then the remaining members shall be empowered to fill such vacancies, and of such citizens of this State as in their judgment will serve the best interest and purpose of the board of directors.

Commissioner
may advertise
in the name of
the State.

SEC. 6. *Be it further enacted*, That on and after the passage of this act, the commissioner of immigration shall be authorized to advertise in the public journals of this State, according to the direction of the board of directors, and in the name of the State of Alabama, to the effect that he is established and ready to receive and make contracts to take applications for immigrants for planters, mining, and rail road companies, or other corporations or persons in the State of Alabama, who desire to avail themselves of the benefits of this act, and that all other acts in contravention of this act are hereby repealed.

Reports to be
made.

SEC. 7. *Be it further enacted*, That the said commissioner of immigration shall make an annual report of all matters on the subject of immigration, and of the operations of the said commissioner and board of directors during each year to the governor, and the governor shall communicate such reports to the general assembly at its annual meeting thereafter, provided that nothing herein contained shall be construed or held to make the State of Alabama liable or responsible for any expenses incurred by said commissioner of immigration or board of directors in carrying out the provisions of this act.

Approved Feb. 11, 1875.

No. 32.]

AN ACT

For the protection of steam boats when passing draw-bridges of rail roads.

Steamboats to
give signals.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be the duty of all steam boats, on approaching any rail road drawbridge, over the navigable waters within the limits of the State of Alabama, with the intention of passing through the same, to give the following signal, viz: Three loud and distinct sounds of the whistle when within about three miles of said rail road draw-

bridge, three loud and distinct sounds of the whistle when within about two miles of said rail road drawbridge, three loud and distinct sounds of the whistle when within about one mile of said rail road drawbridge, and three loud and distinct sounds of the whistle when within about one-half mile of said rail road drawbridge. How given. And if any steam boat attempt to go through any draw of any bridge, over any of the rivers of this State, without making the signals required by this section, her owners shall forfeit and pay the sum of five hundred dollars, one-half for the use of the informer, and the other half for the use of the county, or counties, in which the draw is situated. Penalty. To whom paid.

SEC. 2. *Be it further enacted,* That any rail road company owning, or agent, having supervision over, management, or control of any rail road bridge over the navigable waters within the limits of the State of Alabama, shall, upon signal being given as mentioned in section one of this act, proceed at once to open or cause to be opened, the said drawbridge for the passage of said steam boat. Rail road to open draw-bridge when signal given.

SEC. 3. *Be it further enacted,* That immediately upon said drawbridge being opened sufficiently wide for passage of any steam boat that may signal as described in section one of this act, it shall be, and is hereby made the duty of such rail road company, or agent, owning, having supervision over, management or control of any such rail road drawbridge, to ring, or cause to be rung, a bell of large size, such as is usually carried by steam boats; said bell to be rung loudly and continually until the boat shall have passed the draw, and in addition, in foggy weather, or between the hours of sunset and sunrise, it shall be, and is hereby made, the duty of said rail road company, or agent, as soon as the draw is open sufficiently for the passage of any steam boat, to hoist, or cause to be hoisted, a blue light (of not less than eight inches in diameter) above the draw, at an elevation sufficiently high that a view thereof up and down the river shall not be obstructed by the frame work of said draw, and they shall keep one white light on each end of said draw when it is open for the passage of boats, and the said blue and white lights shall remain stationary until the boat has passed, and shall not be exhibited except when the draw is open for the passage of boats. And when the drawbridge is not open there Duty of rail-roads.

shall be exhibited a red light, so situated as to be visible up and down the river, and which red light shall be a signal that the drawbridge is not open.

Penalty. SEC. 4. *Be it further enacted*, That any rail road company, agent or owner, failing or refusing to comply with the provisions of the second and third sections of this act, shall forfeit, for each and every failure or refusal, the sum of five hundred dollars, to be recovered before any court of competent jurisdiction; one-half of the sum

To whom paid. so forfeited shall be paid to the informant, and the other half to the county.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Feb. 27, 1875.

No. 33.]

AN ACT

To provide for the creation and regulation of street railroad companies in Alabama.

Any number of persons not less than five may become body corpor'te SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any number of natural persons, not less than five, may become a body corporate, with all the rights, powers and privileges conferred, and made subject to all the restrictions of this act.

Certificate under their hands and seals to be made. SEC. 2. *Be it further enacted*, That any number of persons as aforesaid associating to form a corporation for the purpose of constructing and using a street railroad in any of the cities or towns of this State, shall, under their hands and seals, make a certificate which shall specify as follows:

1st. The name assumed by such company, and by which it shall be known.

What it shall specify. 2d. The name of the city or town and the streets in said city or town in which and through which it is proposed to build said road, and a description of the line upon which it is to be built and the termini thereof.

3d. The amount of capital stock necessary to construct such road. Such certificate shall be acknowledged before a justice of the peace, and certified by the clerk of the circuit court, and shall be forwarded to the secretary of state, who shall record and carefully pre-

serve the same in his office, and a copy thereof, duly certified by the secretary of state, under the great seal of Alabama, shall be evidence of the existence of such company.

SEC. 3. *Be it further enacted*; That when the foregoing provisions shall have been complied with, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate in accordance with the provisions of this act, and they and their associates, successors and assigns, in the name and style provided in such certificate, shall thereafter be deemed a body corporate, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects for which it was created, and such company shall possess all the powers and be subject to all the restrictions provided by this act. Powers conferred.

SEC. 4. *Be it further enacted*, That said corporation shall have power to construct, maintain and use a street railroad upon the streets and upon the line and between the termini named in the certificate, upon such terms and in such manner as may be authorized by an ordinance or other lawful act of the proper corporate authorities of the city or town in which it is proposed to build and use said street railroad. May construct street railroads

SEC. 5. *Be it further enacted*, That the capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sum as may be named in the certificate; and such shares shall be subject to execution at law. Capital stock, how divided.

SEC. 6. *Be it further enacted*, That the persons named in said certificate of incorporation, or any three of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company at such time and place as they may deem expedient, after having given at least thirty days notice, in a newspaper published in the city or town where said street railroad is to be located, of the time and place of opening books, and as soon as ten per centum of the amount of capital stock named in the certificate shall be subscribed they may give like notice for the stockholders to meet, at such time and place as they may designate, for the purpose of choosing seven directors, who Authority to open books of subscription.
Directors chosen.

Mode of election.

shall continue in office until the time fixed for the annual election, and until their successors are elected and qualified; at the same time and place appointed said directors shall be chosen by ballot by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share shall entitle the owner to one vote, and a plurality of votes shall be necessary to a choice; but after the first election of directors no person shall vote on any share on which any installment is due and unpaid. The persons named in such certificate, or such of them as may be present, shall be inspectors of such election and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting; a majority of said directors shall form a board and be competent to fill vacancies in their board, make by-laws and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require, and the directors chosen at any election shall, as soon thereafter as may be consistent, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath or affirmation faithfully to discharge their duties.

Authority to contract.

SEC. 7. *Be it further enacted*, That it shall be lawful for said company to contract and agree with the lawful authorities of the city or town in which said road is proposed to be built, upon the manner and upon the terms and conditions upon which the streets proposed to be used shall be used or occupied by said street railroad, and such contract and agreement shall be binding on said company and on said city or town, but the said contract and agreement may be altered when both parties by lawful act agree to such changes.

Power to borrow money.

SEC. 8. *Be it further enacted*, That such company shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding eight per cent. per annum, and may execute bonds or promissory notes therefor in such forms as the board of directors may determine, and to secure the payment thereof may pledge the property and income of such company by executing

a deed of trust or mortgage, conveying all or any part of their property, including all their franchises and rights of every kind.

SEC. 9. *Be it further enacted*, That such company shall have power to acquire, by purchase or gift, any real or personal property needed or convenient in the construction, maintenance and use of their said street railroad. Power to acquire by purchase or gift property.

SEC. 10. *Be it further enacted*, That such corporation shall have power to make such by-laws as may be needful for its government, not inconsistent with this act and with the constitution and laws of this State and of the United States. By-laws.

SEC. 11. *Be it further enacted*, That such corporation may increase the amount of its capital stock to such amount as, by a vote of a majority in amount of stock at a meeting of the stockholders, may be determined by resolution of such stockholders' meeting. Capital stock increased.

SEC. 12. *Be it further enacted*, That all the powers and authority hereby conferred on such company may be exercised by its board of directors, except the powers conferred in section eleven. Power of Board of Directors.

SEC. 13. *Be it further enacted*, That any company or other association of individuals in this State who have been engaged in constructing and using a street railroad, or who have organized for the purpose, and who have complied with the provisions of this act as contained in section two, or who may comply therewith, or who may file with the secretary a certificate containing the specification required in said section two, as to the name, location and capital stock of the company, and also a list of the names of the stockholders of said company, the same to be verified by the affidavit of the president or secretary thereof, be and the same is hereby made and constituted a body corporate, under such name and style as such company may have adopted for itself; and every such company shall be entitled to all the powers, franchises and privileges conferred by this act, and all their contracts, liabilities and obligations heretofore entered into shall be legally obligatory upon them as such, and such company shall have and own all property, rights and interest heretofore held and possessed by them; and all that may have been done in organizing said company and conducting its affairs are declared to be legal and obligatory; *Provided*, That this

act shall not apply to or affect any street railroad company which may have been chartered by special act of the legislature.

Approved March 17, 1875.

No. 34.]

AN ACT

To establish Boards of Health in the State of Alabama.

Medical Association of State constituted board of health

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the medical association of the State of Alabama organized in accordance with the provisions of the constitution which was adopted by said association at its annual meeting in the city of Tuscaloosa, in March, 1873, be and is hereby constituted the board of health of the State of Alabama.

Duties of the board.

SEC. 2. *Be it further enacted,* That the board of health of the State of Alabama thus established shall take cognizance of the interests of health and life among the people of the State; shall investigate the causes, and means of prevention, of endemic and epidemic diseases; shall investigate the influences of localities and employments upon the public health; shall, from time to time, make to the general assembly such suggestions as to legislative action as in their judgment may seem advisable; and shall be in all ways the medical advisers of the State.

Annual report made to governor, which must be published.

SEC. 3. *Be it further enacted,* That such board of health of Alabama shall make to the governor, for transmission to the general assembly, an annual report of their investigations and transactions; of which annual report there shall be annually published, as other reports transmitted through the governor to the general assembly, a sufficient number of copies for distribution among the members of the general assembly and the members of the board of health of the State of Alabama, and such additional numbers as may be deemed advisable for the purpose of exchanging for reports of similar associations in other States.

Subordinate associations boards of health for their respective counties.

SEC. 4. *Be it further enacted,* That the county medical societies in affiliation with the medical association of the State of Alabama, and organized in accordance with the provisions of the constitution of the said association as

described in the first section of this act, be and are hereby constituted boards of health for their respective counties, and as such shall be under the general direction of the board of health of the State of Alabama, created by the first section of this act.

SEC. 5. *Be it further enacted*, That the county boards of health thus established shall have only advisory powers, and shall be conducted without expense to the State or to their respective counties, except under the condition provided for under the sixth section of this act, which here follows:

Powers and duties of county boards.

SEC. 6. *Be it further enacted*, That the competent legal authority of any county in this State, or of any incorporated town or city of any such county, shall, whenever in their judgment it becomes expedient to do so, proceed to invest the board of health of the county with such executive powers and duties for the promotion of the public health, and under such rules and stipulations as may be agreed upon between the two parties.

Counties and towns may invest co. boards with executive powers, &c.

SEC. 7. *Be it further enacted*, That in any such agreement as is contemplated in section six of this act the right to elect or appoint the officers and servants employed in the administration of the sanitary regulations so agreed upon, shall in all cases be reserved to the board of health; and further, that all questions relating to salaries, appropriations and expenditures shall be reserved to the legal authorities of the county, town, or city, as the case may be.

Certain powers reserved to co. boards.

SEC. 8. *Be it further enacted*, That no board of health, or advisory or executive medical body of any name or kind, for the exercise of public health functions, shall be established by authority of law in any county, town or city of this State, except such as are contemplated by the provisions of this act, the object of this prohibition being to secure a uniform system of sanitary supervision throughout the State. But nothing in this article shall be so construed as to prevent any of the boards of health created by section four of this act from accepting and executing any special powers that may be granted them by the general assembly of the State; *Provided*, That this act may be changed, modified or repealed at any time, at the pleasure of the general assembly of this State.

Other boards of health prohibited.

Approved February 19, 1875.

No. 35.]

AN ACT

To amend "An act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body corporate and politic," approved December 17, 1873, and to declare the meaning and intendment of the word "purchasers" as used therein.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body corporate and politic," approved December 17, 1873, which reads as follows :

Recital of act. *"SECTION 1. Be it enacted by the General Assembly of Alabama,* That in each and every case in which any railroad may hereafter be sold by the State of Alabama, or by any commission, officer or agent of said State, or under any proceeding, judicial or otherwise, authorized by law, the purchasers at any such sale may constitute themselves into a body politic and corporate, and shall have and possess all the powers and franchises which belonged to the company or corporation originally owning the railroad so purchased, including the power to purchase and hold real estate, and the franchise to be and exist as a corporation under such name as the purchasers may select and adopt. And the board of directors of such new corporation shall have power to issue bonds, and also certificates of preferred and common stock, to such an amount, and with such powers as to voting in management of the affairs of the company as said board may determine, and to lease, sell, or mortgage all or any part of the franchises or property of such corporation, including the franchise to be or exist as a corporation, and to prescribe the form of such bonds and certificate, and the rates of interest, not exceeding the legal rate, and dividends of the same,"—be and the same hereby is amended and revised by adding thereto the sections following :

Amendment. SEC. 2. *Be it further enacted,* That the word purchasers, as hereinabove used, in every case where the same occurs, be and the same hereby is declared to comprehend and mean, not the trustees merely making the purchase, but the persons for whom, in whose behalf, for whose benefit or advantage, or in trust for whom, such railroad is so purchased, being the persons who part with the actual consideration of such purchase; and in every case

The word 'purchaser' defined

a majority in interest of such purchasers may organize such corporation for the benefit of themselves and of all other persons having like interest in such purchase who desire to unite therein.

SEC. 3. *Be it further enacted*, That the meaning and intendment of said word hereinabove declared, shall be accepted and received in all courts and places, in respect of any attempt at incorporation under said act heretofore or hereafter made in the same manner and to the same extent as if the same had been originally declared in said act; *Provided, always*, That the rights of any and all persons vested before the taking effect hereof shall not be impaired or affected thereby.

SEC. 4. *Be it further enacted*, That every body corporate and politic heretofore or hereafter organized pursuant to the provisions hereof, or of the said act hereinabove referred to, within sixty days from the taking effect of this act, or within sixty days from the date of its organization, under the hand of its proper officer or officers, shall make and file its certificate in writing in the office of the secretary of state of the proceedings had for its organization.

SEC. 5. *Be it further enacted*, This act shall take effect immediately.

Approved March 20, 1875.

No. 36.]

AN ACT

To amend section five (5) of an act entitled an act to amend the corporation laws of Alabama, approved August 12th, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section five of an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868, which reads as follows :

“*Be it further enacted*, That parties incorporated under this act, shall, within sixty days from grant of charter, elect a board of directors of not less than five, nor more than nine in number, who shall control the business of such company, and who shall be elected annually; [until issuance of stock as herein provided for;] each corporator shall be entitled to one vote; such directors

Section re-
cted.

shall not vacate until their successors are installed; they shall make by-laws, and shall elect one of their number president, and elect such other officers and appoint such agents as they may wish, all of which may be reversed at an annual meeting of stockholders or ordered otherwise by said meeting of stockholders. At an annual meeting of the board of directors, which annual meeting is hereby ordered, stockholders and [until stock shall be issued] corporators may cast votes by proxy; *Provided*, no one [except females and guardians, executors or administrators] shall be permitted to vote by proxy more than twice in succession. Furthermore, by a two-thirds majority of the corporators they may, at any time, issue stock and sell the same under usual rules and regulations of chartered bodies. Stockholders may have a vote for each share of one thousand dollars owned. Each corporator, after issue of said stock, shall have twenty-five votes by virtue of being corporator, and an additional vote for each share owned; *Provided*, that no one shall, in his own right, be allowed to cast more than one hundred (100) votes; and *Provided*, moreover, that no one, in his own right, and by proxy, shall be allowed to cast more than two hundred votes. Stock shall be transferable, and holders of same shall be responsible to the extent of his or her stock. In all respects not herein otherwise enacted, the general laws of the State of Alabama shall have precedent, force and effect,"

Amendment. Be so amended as to read as follows, to-wit:

Board of Directors elected annually.

Make by-laws and elect one of their number president.

Annual meeting after notice on or before 15th May.

"SEC. 5. *Be it further enacted*, That all parties incorporated under this act, shall, within sixty days from grant of charter, elect a board of directors of not less than five nor more than nine in number, who shall control the business of such company, and who shall be elected annually; [until issuance of stock as herein provided for;] each corporator shall be entitled to one vote; such directors shall not vacate until their successors are installed; they shall make by-laws, and shall elect one of their number president, and elect such other officers and appoint such agents as they may wish, all of which may be reversed at any annual meeting of the stockholders, or ordered otherwise by said meeting of stockholders. At the annual meeting of the stockholders, which annual meetings are hereby ordered to be held, after due notice from the board of directors, fixing the

time and place of same, (the place to be in Alabama, and the time to be on or before the 15th day of May in each year,) the stockholders, by a two-thirds vote of the meeting, may order the issue and sale of stock, and the price may be fixed at said meeting; otherwise it will be done by the board of directors under the rules and regulations of chartered bodies. Each stockholder, as shown by the records of the company, shall have a right to one vote for each thousand dollars stock standing in his name, and none but stockholders shall vote as proxies; and no one, as proxy, shall be allowed to cast more than one hundred votes.

Two-thirds vote may order issue and sale of stock.

One vote for each \$1,000 00 stock.

Approved March 19, 1875.

No. 37.]

AN ACT

To enable private corporations to dissolve their charters and to wind up their corporate affairs.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever a majority in numbers of any private corporation, incorporated by the laws of Alabama, said majority in numbers being the owners of three-fourths of the stock of such corporation, may wish to surrender or dissolve their charter, they may do so in the following manner: Such majority in numbers owning three-fourths of said stock, may file their petition in the chancery court of the chancery division in which the corporation is located, or has its principal place of business, setting forth the names of all the stockholders and their residence, and the amount each stockholder owns in said corporation, and stating that it is the wish of said petitioning stockholders to dissolve their charter.

Private corporations; how dissolved.

SEC. 2. *Be it further enacted,* That upon the filing of such petition it shall be the duty of the register to give notice by subpcena to all the stockholders not joining in said petition to appear within thirty days after the service of such notice, and contest the same, and if any stockholder residing out of the State does not join in said petition, he or she shall be made a party or parties by advertisement, in the same manner as non-resident defendants in chancery are made, according to the rules

Notice to stock holders.

now governing our chancery courts, and such non-resident stockholders shall have thirty days, after the perfecting of said notice, to answer and contest said petition.

Chancellor
may decree
dissolution of
corporation.

SEC. 3. *Be it further enacted*, That if it shall be made to appear to the chancellor, at a regular term of the chancery court, after the cause is at issue, that a majority in numbers of said stockholders, owning three-fourths in value of said stock, still wish to dissolve their charter, which may be made to appear by their own testimony, taken as in chancery cases, the chancellor shall decree the corporation to be dissolved.

Receiver ap-
pointed.

SEC. 4. *Be it further enacted*, That upon a decree of dissolution, so rendered by the chancellor, it shall be the duty of the chancellor to appoint a receiver of all the property and assets of said corporation, and to enable him to ascertain the proper amount of the receiver's bond, the petition must set forth and describe, as near as the petitioners can, all the property, real and personal, belonging to said corporation.

Nominated by
a majority of
stockholders.

On failure to
nomin'te chan-
cellor appoints

SEC. 5. *Be it further enacted*, That the receiver so appointed, must be nominated by the majority of the stockholders, if they can agree; if they fail to agree for ten days after the decree of dissolution, then the chancellor, either in term time or in vacation, or in his absence the register must appoint such receiver, requiring proper bond and security for the performance of his duties as such receiver.

Duty of Re-
ceiver.

SEC. 6. *Be it further enacted*, That it shall be the duty of the receiver to collect all debts due the corporation, by suit or otherwise; also to sell all property, both real and personal, belonging to said corporation, and make titles thereto to the purchasers as directed by the decree of the chancellor; *Provided*, the chancellor may, in his discretion, authorize the receiver to sell any or all of the debts and assets of such corporation, at public sale for cash, or on such terms as in his judgment the interests of the parties may require, without attempting their collection by suit.

Payment of
debts of cor-
poration.

SEC. 7. *Be it further enacted*, That it shall be the duty of said receiver to pay all the debts of said corporation if the funds of said corporation be sufficient therefor. But if any debt claimed be contested, it shall be the duty of the creditor to file his claim or demand before the court granting the decree, the genuineness of which

shall be ascertained as other contested claims are ascertained in a court of chancery.

SEC. 8. *Be it further enacted*, That after the payment of the costs of the cause, and all proceedings, and all the debts due and owing by said corporation, the residue of the funds shall be equally divided between all stockholders *pro rata*, according to the amount of stock owned by each stockholder. After payment of costs of all proceedings the residue divided.

SEC. 9. *Be it further enacted*, That if any party to the cause be dissatisfied with the decree of dissolution rendered by the chancellor, he or she may appeal to the supreme court, giving such bond and security as the chancellor may prescribe, to be approved by him or by the register; such appeal to be tried as other chancery appeals are tried. Appeal.

Approved February 10, 1875.

No. 38.]

AN ACT

To appropriate the proceeds from the sale of the swamp lands granted by congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

WHEREAS, certain lands, described as "swamp and overflowed lands," were granted by the government of the United States to the State of Alabama by an act of congress entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, wherein it is provided that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid; and whereas, said lands have been sold in part by the authorized agents of the State of Alabama, and the sum of twenty-seven thousand and three hundred and forty-three 31-100 dollars has been paid into the treasury of the State; and whereas, said sum of twenty-seven thousand three hundred and forty-three 31-100 dollars is wholly insufficient to provide for reclaiming said lands by means of levees and drains, provided for in the act Preamble.

of congress aforesaid; and whereas, the said lands are now the property of individual owners, with whom there is no contract or understanding, express or implied, on the part of the State, that the proceeds from the sale shall be expended for the reclamation or drainage thereof; and whereas, there are more than eight hundred insane and idiotic persons in the State of Alabama, for whose treatment, cure and protection no provision whatever has been or can be made, whilst the financial condition of Alabama is so greatly embarrassed as at present; theretofore—

Assent of congress to be obtained.

Proceeds appropriated to indigent insane and idiotic.

Governor to communicate this act to congress.

Auditor draw his warrant for amount.

In favor of the treasurer of insane hospital.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That by and with the consent of the government of the United States, first to be obtained, the proceeds arising from the sale of swamp and overflowed lands, granted to the State of Alabama by the terms of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, be and the same are hereby appropriated to and for the purpose of furnishing other and additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

SEC. 2. *Be it further enacted,* That the governor shall cause this act to be communicated to the senate and house of representatives of the congress of the United States, through the members thereof representing the State of Alabama; and shall request that appropriate legislation be had, authorizing the disposition and appropriation of the proceeds arising from the sale of said swamp and overflowed lands, as provided for in this act.

SEC. 3. *Be it further enacted,* That it shall be the duty of the auditor, so soon as the governor shall officially inform him that the congress of the United States has authorized the proceeds of said lands, as by this act provided for, to draw his warrant upon the treasurer for such sum of money as may have been paid into the treasury, on account of the sale of said lands, after deducting therefrom an amount equal to the claim or claims which are or may be established and allowed against said funds, for work and labor done and professional services rendered in and about the location and sales of said lands, which said warrant shall be drawn payable to the order of the treasurer of the Alabama insane hospital at Tuscaloosa.

SEC. 4. *Be it further enacted*, That so soon as the proceeds of said swamp lands shall be turned over to the treasurer of the Alabama insane hospital, as provided for in section three of this act, it shall be the duty of the board of trustees of said hospital to cause the same to be expended in the construction of a wing or contiguous building, or if deemed by said trustees best, a suitable detached building, or buildings, for the accommodation of the indigent insane and idiotic patients. Mode of expending same.

SEC. 5. *Be it further enacted*, That to enable said trustees to carry out fully the purposes of this act, they are hereby authorized and empowered to contract with such builders, mechanics, and other persons, as they may see proper and find necessary for the erection and equipment of the said additional wing or contiguous building, or detached building or buildings, and they are authorized and empowered to do everything requisite and necessary in the expenditure of the fund herein appropriated for the accomplishment of the end had in view and provided for by this act; and said trustees shall report to the next session of the general assembly all that they have done in and about the premises, by filing with the auditor their account, supported by vouchers, for every expenditure of said moneys, and shall continue to report to said general assembly, from session to session, and file accounts with the auditor, until said work herein provided for be completed, and said trustees discharged from further duty connected therewith by act of the general assembly. Trustees may contract.
Must report to general assembly.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed. Repealing section.

Approved January 30, 1875.

To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing titles to the State of swamp and overflowed lands, and to permit the further prosecution of the suits now pending for that purpose under a special act of the general assembly.

Preamble.

WHEREAS, certain swamp and overflowed lands have been secured to the State by the agency of certain persons; and whereas, the State, by act approved February 24, 1860, authorized, in payment for such services, a per centage upon the proceeds of such lands; and whereas, there is in the treasury of the State the sum of twenty-seven thousand dollars, or thereabouts, the proceeds of the sale of a portion of said lands; and whereas, there is a controversy between the said persons as to which of them is or are entitled to the payment and per centage aforesaid, for the settlement of which suits are now pending, the one under a special act approved December 17, 1873, the other under the general laws, till of late authorizing suits against the State, in the latter of which a decree has been rendered against the State for the sum of \$5,468, besides \$185.10, cost of said suit, but to which the other claimants of said per centage were not parties, but the former of which is still pending and undecided, and to which the plaintiff in the other suit is not a party; and whereas, the State is desirous that the person or persons really entitled shall receive the said per centage and compensation.

\$6,000 appropriated for services in relation to swamp lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of six thousand dollars, or as much thereof as may be necessary for that purpose, be and the same is hereby appropriated out of the proceeds of the sale of said swamp and overflowed lands now in the treasury, but from no other money, for the payment and discharge in full of all claims and demands of any and all persons, as compensation for services rendered to the State under said act of February 24, 1860, so far as such compensation depends on or is determined by the amount of sales of said swamp and overflowed lands already made.

SEC. 2. *Be it further enacted,* That said money hereby

appropriated shall be paid out of the treasury only upon the order or warrant of the governor of this State. Money pa'd up-
on governor's
warrant.

SEC. 3. *Be it further enacted*, That all persons and parties who assert any claim or demand against the State, or against said moneys now in the treasury of the State, the proceeds of said swamp and overflowed lands, or any part or portion thereof, must, within one year from the approval of this act, by petition or cross-bill, cause their said claim, demand, or claims and demands, to be presented to the court of chancery for the second district of the southern chancery division of the State of Alabama, in the suits therein pending under the authority of the act approved December 17, 1873, entitled "An act to provide for the adjustment of the claims of all agents, commissioners, and all other persons claiming compensation for services rendered in selecting and securing title to the swamp and overflowed lands in the State of Alabama, and thereby submit themselves to the decrees of said court of chancery upon the pleadings so made, and the proofs said persons or parties may respectively be able to produce in the manner in said act last above mentioned described, and for this purpose said suit is hereby authorized to be maintained; and in default of so presenting and thereafter prosecuting their said claims and demands in the manner prescribed by said act, all such persons and parties and each of them shall be forever barred of all right to receive any part or portion of said money, or to receive any per centage thereon from the treasury of the State; *Provided*, That nothing in this act shall be so construed as to alter or effect in any way any of the legal or equitable rights of any of the claimants to said fund at the date of its approval; *and provided further*, That nothing in section one of an act to provide for the adjustment of the claims mentioned in this act, approved December 17, 1873, shall be so construed as to render any claimant liable for any part of the attorneys' fees of any adverse claimant. Parties must
establish claim
within 1 year. Proviso. Proviso.

SEC. 4. *Be it further enacted*, That upon the filing with him of the final decree of said court of chancery in said suit, if no appeal therefrom shall have been taken within the time prescribed in the act mentioned in the third section of this act, or if an appeal shall have been so taken, then, upon the filing with him a certified copy of such decree and certificate of its affirmance by the supreme court, the governor shall draw his warrant or war- Upon filing fi-
nal decree gov-
ernor must
draw warrant.

Proviso.

rants upon the treasurer of the State in favor of the person or persons who shall by said decree of said court of chancery be declared to be entitled to receive the same, for the amount or amounts so declared to be due to them respectively, and for the costs which may have accrued in the case; *Provided, always,* That the aggregate amount of said warrants shall not exceed the sum named in the first section of this act.

Approved March 22, 1875.

No. 40.]

AN ACT

To regulate the business of Fire, Inland, and Marine Insurance Companies of other States and countries doing business in Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That before any insurance company not organized under or incorporated by the laws of this State shall transact any business of insurance in this State, through agents or otherwise, it shall pay into the treasury of the State the sum of one hundred dollars, and that amount thereafter in the month of January, annually, for which the treasurer shall give his receipt and certify said payment to the auditor; but this shall not be in lieu of or affect the amount required to be paid by such company for school purposes. Such company shall also file with the auditor of State a certified copy of the charter or deed of settlement of the company, (and a statement of the company) on the 31st day of December next preceding the day on which it shall apply for permission to transact business in this State, exhibiting the following facts and items in the following form, namely:

First.—The amount of the capital stock of the company, and how much of the same has been paid up in cash.

Foreign insurance company's requir'd to pay \$100 before doing business.

Not to affect am't for school purposes. Must file copy of charter.

Annual statement.

Contents of statement.

Stock and how much paid.

Property and assets.

Second.—The property and assets held by the company, specifying:

1. The value and location of the real estate held by such company.

2. The amount of cash on hand and deposited in banks to the credit of the company.

3. The amount in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages, or deeds of trust, constituting the first lien on real estate on which there shall be less than one year's interest due or owing, the location and value of each piece of such real estate, and the amount loaned on each piece.

5. The amount of loans on which interest shall not have been paid within one year previous to such statement, and how secured.

6. The amount due the company on which judgments have been obtained, and the cash value thereof.

7. The amount of stocks and bonds of this State or of the United States, or of any other stocks or bonds owned by the company or corporation, specifying the amount, number of shares, and par and market value of each kind of stock or bonds.

8. The amount of bonds, mortgages or stocks held as collateral security for loans, with the amount loaned on each kind of stock or bond, and their par and market value.

9. The amount of interest actually due and unpaid.

10. The amount of interest accrued but not due.

11. The amount of all other assets of every description, and of what composed.

Third.—The liabilities of such company, specifying: Liabilities.

1. The amount of losses due and unpaid, and how much thereof is to citizens of this State.

2. The amount of claims for losses resisted by the company, and how much thereof is to citizens of this State.

3. The amount of claims for losses incurred during the year, including those claimed and not due, and those reported to the company upon which no action has been taken, and how much thereof is to citizens of this State.

4. The amount of dividends declared and due, and remaining unpaid.

5. The amount of dividends declared and not due.

6. The amount of money borrowed and security given for the payment thereof.

7. The amount required for re-insurance of outstanding policies on basis of fifty per cent. of premiums on unexpired risks.

8. The amount of all other claims against the company, and of what they consist.

Income.

Fourth.—The income of the company during the year, specifying :

1. The amount of premiums received, designating the amount received in this State.

2. The amount of interest money received.

3. The amount of income received from all other sources and from what the same was derived.

Expenditures. Fifth.—The expenditures during the preceding year, specifying :

1. The amount of losses paid during the year, stating how much thereof to citizens of this State.

2. The amount of returned premiums paid during the year.

3. The amount of dividends paid during the year.

4. The amount paid in taxes and commissions to agents.

Auditor may propose additional inquiries.

5. The amount of all other expenditures, and payments, which statement shall be subscribed under oath by the president and secretary, or other chief officers or managers of such company, and shall be renewed annually on the 10th day of January of each year, or within thirty days thereafter, and the said auditor of state is hereby authorized to propose such additional inquiries as may in his judgment be necessary to elicit a full exhibit of the business and standing of any insurance company as aforesaid, transacting or proposing to transact the business of insurance in this State.

Must possess \$150,000 cash capital.

Must file declaration that service of process may be served upon agent.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any insurance company, not organized under or incorporated by the laws of this State, to transact any business of insurance in this State, through agents or otherwise, unless possessed of at least one hundred and fifty thousand dollars of actual cash capital, invested as required by the laws of the State where organized, nor until such company, in addition to the other requirements of this act, shall have filed with the auditor of state a written instrument, duly signed and sealed, whereby it shall be declared that service of process, (mesne or final,) issued in any suit against such company therein pending, from any court of record, State or federal, sitting in this State, upon any agent of such company in this State, made in the manner directed by the laws of this State, for the service of process, upon

the officers of domestic corporations, shall be as effectual for the purpose of such suit, and to bind such company as service of similar process would be if made strictly in the manner directed by the laws of the State or country under which such company was organized.

SEC. 3. *Be it further enacted*, That before any company, incorporated by or organized under the laws of any government foreign to the United States, shall transact any business of insurance in this State, it shall file with the auditor the certificate of the comptroller, or other authorized functionary of some other State or of the United States, under his hand and official seal, that he holds, on deposit and in trust, for the benefit of all the policy holders of such company in the United States, securities, in which it is authorized to invest its capital stock by the laws of the State in which such deposit is made, worth at least two hundred thousand dollars, and which shall be increased in case of any depreciation in their value; *Provided*, that companies organized under the laws of any foreign government depositing the amount of securities aforesaid with the treasurer of this State, who shall receive the same in his official capacity, and producing and filing a certificate thereof in the manner provided by this section, shall be held to have complied with the requirements of this section, if such certificate shall state that the aforesaid deposit is for the benefit and protection of its policy holders in the United States.

Companies foreign to United States must file certificate of Comptroller of other State that he holds U. S. bonds for benefit of policy holders.

Proviso.

SEC. 4. *Be it further enacted*, That whenever it shall appear to the satisfaction of the auditor that the assets of any company are reduced more than twenty-five per cent. below the capital stock required by this act, or its charter, after reserving fifty per cent. of the amount received for premiums on all risks which are unexpired, which are hereby declared unearned premiums, he shall revoke all authority to such company, or its agents, to do business in this State, and shall cause a notification thereof to be published in any one or more newspapers of general circulation, and copies thereof to be mailed to each agent in this State for said company, and the agents of said company are, after such notice, required to discontinue the issuing of any new policies or the renewal of any previously issued.

When assets reduced more than twenty-five per cent. Auditor must revoke authority.

SEC. 5. *Be it further enacted*, That whenever any insu-

Auditor must
issue certificate
of authority.

rance company, as provided for in section one, shall have fully complied with all the requirements of this act, and the auditor is satisfied that the affairs of such company are in sound condition, he shall issue a certificate of authority to such company, authorizing it to transact the business of insurance in this State, itself or by such agents as it may appoint, until the 15th day of January then next ensuing, which certificate shall be renewed annually in January in each year, on compliance with the terms of this act, and subject to the conditions herein.

Unlawful to
act as agent
for any com-
pany without
complying
with this act.

SEC. 6. *Be it further enacted*, That it shall not be law-ful for any person or persons to act as agent, or solicit risks, or make agreement for the delivery of policies of or in any way, directly or indirectly, to transact the business of insurance for and in behalf of any company not organized under or incorporated by the laws of this State, until such company shall have fully complied with all the requirements of this act, and until such company shall have received the certificate of authority from the auditor, authorizing it to transact the business of insurance in this State, and whoever shall, directly or indirectly, aid in transacting the insurance business for, or make arrangements for the delivery of the policies of any such company, without such company having first received such certificate of authority, or shall continue to act as agent or otherwise for any such company, after the revocation by the auditor of such certificate of authority, shall forfeit and pay to the State for each offense the sum of five hundred dollars.

Penalty.

"Company"
defined.

SEC. 7. *Be it further enacted*, That the term company, used in this act, shall embrace and include every company, corporation, association or partnership, organized for the purpose of transacting the business of insurance other than life or accident insurance.

When other
States require
deposits, com-
panies of such
States must
make like de-
posits with
treasurer.

SEC. 8. *Be it further enacted*, That whenever the existing or future laws of any State of the United States shall require of insurance companies, incorporated by or organized under the laws of this State, or of the agents thereof, any deposit of securities in such State for the protection of policy holders or otherwise, or any payment of taxes, fines, penalties, certificates of authority, license fees, or otherwise, greater than the amount required for similar purposes from similar companies of other States, by the then existing laws of this State, then, in every such case, all companies of such States,

establishing or having heretofore established an agency or agencies in this State, shall be and are hereby required to make the same deposit for a like purpose with the treasurer of this State, and to pay into the treasury of this State, for taxes, fines, penalties, license fees, or otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such State upon the companies of this State, and the agents thereof.

SEC. 9. *Be it further enacted*, That all companies which may have received license to transact business in this State prior to the passage of this act, shall not be obliged to renew application until such license shall expire, and all insurance companies complying with the provisions of this act, which may have made deposits of bonds under the provisions of former laws of this State, shall, upon the certificate of the auditor to the treasurer of the State, that they have fully complied with the requirements of this act, be entitled to withdraw such deposits, and as to all such companies no further deposit of bonds shall be required except as required in the eighth section of this act.

Companies which have received license not required to renew application until its expiration.

Companies comply'g with this act may withdraw deposit.

SEC. 10. *Be it further enacted*, That every penalty provided for by this act, shall be sued for and recovered in the name of the State of Alabama by the solicitor of the district in which such delinquency occurs, and when sued for and collected by him, shall be paid into the State treasury, less twenty per cent., to be paid him for his services; and in case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months in the discretion of any court having cognizance thereof.

Penalty recoverable in the name of the State.

Penalty paid into treasury, less commissions.

Penalty.

SEC. 11. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, are hereby repealed, but no company against whom any suit is now pending in this State for any claim heretofore accrued, shall be permitted to withdraw any deposit made by it, (under existing laws,) until such suit is determined and the judgment, if any, be fully paid.

Repeal.

SEC. 12. *Be it further enacted*, That this act take effect from and after its passage.

Approved March 8, 1875.

No. 41.]

AN ACT

To enable boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, to establish and maintain a fire insurance patrol.

Certain powers
conferred up-
on Board of
Underwriters.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, shall have power to provide suitable rooms for the accommodation of a fire insurance patrol, and also to provide a patrol of men, and a competent person to act as superintendent, to discover and prevent fires, with suitable apparatus to save and preserve property or life at, and after a fire, and the better to enable them so to act with promptness and efficiency, full power is given such superintendent and such patrol to enter any building on fire, or which may be exposed to or in danger of taking fire from other burning buildings, subject to the control or the chief engineer or fire marshal of the city, and at once to proceed to and protect and endeavor to save the property therein, and to remove such property, or any part thereof, from the ruins after a fire.

Convention of
Board of Un-
derwriters,
Companies,
Corporations,
Associations,
Underwriters,
&c. provided.

SEC. 2. *Be it further enacted,* That in the month of January (or as soon after as conveniently practicable) of each year, there shall be held a meeting of said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, doing a fire insurance business in the city, of which ten days previous notice shall be inserted in at least one daily newspaper, published in the city where said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, are established or doing business, at which meeting each insurance company, corporation, association, underwriter, agent, person or persons, doing a fire insurance business in the city, shall have the right to be represented at such meeting, and shall be entitled to one vote. A majority of the whole number so represented shall have power to decide upon the question of sustaining the fire insurance patrol, hereinbefore mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year, next to ensue, which amount shall in no case exceed two per centum on the aggregate of fire premiums returned (*on cotton excepted*) as received, as provided in section

three of this act. And the whole of such amount, or so much thereof as may be necessary, may be assessed upon all insurance companies, organizations, corporations, associations, and persons, who assume risks and accept premiums for fire insurance in said city, as hereinbefore mentioned, in proportion to the several amounts of premiums returned, (*on cotton excepted*), as received by each as hereinafter provided, and such assessment shall be collectable, by and in the name of said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, in any court of law in the State of Alabama, having jurisdiction, in such manner and at such time or times, as said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, may determine.

SEC. 3. *Be it further enacted*, That to provide for the payment of persons employed under the provisions of this act, and to maintain suitable rooms, and the apparatus for saving life and property contemplated, said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, are empowered to require a statement to be furnished semi-annually by all insurance companies, corporations, associations, underwriters, agents, or persons, of the aggregate amount of fire premiums received (*on cotton excepted*) for insuring property in the city where said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, are organized or established for and during the six months next preceding the first day of January, and the first day of July of each year, which statement shall be sworn to by the president or secretary of the corporation, or association, or by the agent or person so acting, and effecting such insurance in said city, and shall be handed to such person or officer as may be selected by said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, within such time as is hereinafter provided in section four of this act.

Mode of payment of patrol

SEC. 4. *Be it further enacted*, That it shall be lawful for such person or officer as may be selected by boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, within ten days after the first day of January and first day of July in each year, by written or printed demand, signed by him, to require from every insurance company, corporation, as-

Statement re-
quired.

sociation, underwriter, agent, or person, engaged in the business of fire insurance in the city where said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, are organized or established, the statement provided for in the last preceding section of this act. Such demand may be delivered personally at the office of such insurance company, corporation, association, underwriter, agent, or person, and every officer of such insurance company, corporation, or association, and every individual, agent, underwriter, or person, who shall, for fifteen days after such demand, neglect to render the account, shall forfeit fifty dollars, for the use of such boards of underwriters, companies, corporations, associations, underwriters, agents, and persons, and shall also forfeit, for its use, twenty-five dollars in addition, for every day he shall so neglect, after the expiration of the said fifteen days, and such penalty may be computed and recovered up to the time of trial for any suit for the recovery thereof, which penalty may be sued for and recovered, with costs of suit, in any court of law within the State of Alabama having jurisdiction, by and in the name of any of said boards of underwriters, companies, corporations, associations, underwriters, agents, or persons.

Approved February 19, 1875.

No. 42.]

AN ACT

To amend "An act for the relief of the University of Alabama."

Recital of act.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act for the relief of the University of Alabama," approved March 7; 1871, which reads as follows, to-wit: "Sec. 1. That payment of the debt of thirty thousand dollars for money from the treasurer of the State on a loan to the University of seventy thousand dollars, by act of the legislature approved February 20, 1866, and used for the purpose of erecting a new edifice for the University, and restoring in part its ruined property, be and the same is hereby postponed for the space of five years from and after time

of payment as provided in said act,"—be so amended as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the payment of the debt of thirty thousand dollars, for money received from the treasury of the State on a loan to the University of seventy thousand dollars by act of the legislature approved February 20, 1866, and used for the purpose of erecting a new edifice for the University, and restoring in part its ruined property, be and the same is hereby postponed for the space of nine years from and after the time of payment as provided in said act. Payment of loan postponed

Approved December 11, 1874.

No. 43.]

AN ACT

To authorize the Governor to appoint Commissioners to represent Alabama in the Centennial Exposition.

WHEREAS, it is of great interest to the people of Alabama that all the great material interests of the State, the agricultural, the mineral, and the mechanical, should be represented and exhibited at the centennial exhibition, to be held at the city of Philadelphia, Pennsylvania, commencing July 4, 1876; therefore— Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and he is hereby authorized and directed to make appointments of five commissioners, who shall be known as "special centennial commissioners," and whose duty it shall be to secure proper apartments in the exhibition buildings, and to make such necessary arrangements for the display of such articles as may be forwarded from Alabama for exhibition, and to do whatever they may deem best to have the State of Alabama represented upon an equal footing with her sister States at the centennial exhibition to be held at the city of Philadelphia, Pennsylvania, July 4, 1876. Governor to appoint commissioners to centennial exposition.

SEC. 2. *Be it further enacted,* That the governor shall be chairman *ex officio* of said commissioners. Governor ex officio chairman.

SEC. 3. *Be it further enacted,* That no money shall be appropriated to carry out the provisions of this act.

Approved March 20, 1875.

No. 44.]

AN ACT

To amend sections one and three of an act entitled "An act to extend the jurisdiction, powers and duties of the harbor masters and port wardens of Mobile," approved March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the first section of the act approved March 3, 1870, entitled "An act to extend the jurisdiction, powers and duties of the harbor masters and port wardens of Mobile, which is as follows: "Be it enacted by the general assembly of Alabama, That from and after the passage of this act, all laws and parts of laws creating a harbor master and port wardens of the port of Mobile, be and the same are hereby made to extend to and include all vessels coming into the bay of Mobile, and said harbor master and port wardens shall discharge the same duties to, and receive from said vessels the same fees as though they were lying at the wharves of the city of Mobile,"—be so amended as to read: The jurisdiction and powers of the harbor master and port wardens for the port of Mobile shall extend to all vessels within the corporate limits of the city of Mobile, but no further, except they or one of them be requested by the master or consignee of a vessel lying in the bay or harbor of Mobile beyond those limits, to be present and inspect the opening of the hatches of such vessel and survey the storage of the cargo thereof, or to inspect damaged produce or merchandise of any kind arriving or found in said bay or harbor, on such request, or on the request of parties interested therein, and attend and direct the sale thereof; or to survey or inspect any ship or vessel in said bay or harbor, as provided in sections 78, 79, 80 and 81 of an act entitled "An act to incorporate the city of Mobile," approved February 2, 1866.

SEC. 2. *Be it further enacted,* That the third section of said act, which reads as follows: "Be it further enacted, That the harbor master shall be appointed by the governor immediately after the passage of this act, and he shall hold office for the term of three years; and he shall appoint the wardens deemed necessary to assist him in the discharge of his duties,"—be so amended as to read: Within the first fifteen days of January, 1875, and every three years thereafter, there shall be appointed by the

mayor of the city of Mobile, the president of the board of aldermen, the president of the board of trade, the president of the board of underwriters of Mobile, or a majority of them all, having had at least one day's notice of the time and place of convention for such appointment, five persons who shall be denominated wardens of the port of Mobile, one of whom shall be designated and shall serve as harbor master, who shall perform the duties prescribed by sections 76, 77, 78, 79, 80, 81, 82, 83 and 84 of "An act to incorporate the city of Mobile," approved February 2, 1866; and for refusal or neglect of duty, or for improper conduct in the discharge of their duties, may be removed from office by the officers charged with their appointment; such removal, however, shall be made only on the written complaint of one or more persons, of which said wardens shall have at least two days' notice. In case of such removal, or of a vacancy from any cause, the said office shall be filled by the officers having said power of appointment, and such appointees shall remain in office till the time herein named for the next general appointment of said five wardens of the port of Mobile.

Approved February 13, 1875.

No. 45.]

AN ACT

To provide for the payment of the first battalion of the Alabama volunteer militia while in actual service under the orders of the late governor of this State.

WHEREAS, the first battalion of the Alabama volunteers was in actual service in the city of Mobile on the third day of November, 1874, under orders emanating from the commander-in-chief of the military forces of this State, for the preservation of the quiet and the protection of the lives and property of the good people of that city; therefore—

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of \$484 20 be and is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the pay of the rank and file of said battalion and the purchase of rations for said battalion while in actual service as aforesaid; and it is hereby

Preamble.

Appropriation.

made the duty of the auditor of this State to draw his warrant on the treasurer of this State for the amounts above named, payable to the quartermaster of said battalion, on his demand in manner and form as now directed by law in other cases of claims against the State.

Approved March 2, 1875.

No. 46.]

AN ACT

To give incorporated towns the power to limit the running of railroad trains and engines to a rate of speed not exceeding six miles per hour while running through their corporate limits.

Incorporated towns may limit rate of speed of trains, &c. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all incorporated towns in this State shall have the power to limit the running of railroad trains and engines to a rate of speed not exceeding six miles per hour while running through the limits of said incorporated towns.

Necess'ry powers conferred. SEC. 2. *Be it further enacted,* That said incorporated towns shall have the power to establish such laws as will carry out the provisions of this act.

Approved March 2, 1875.

No. 47.]

AN ACT

To cede to the United States jurisdiction over the National Military Cemetery at Mobile.

Jurisdiction over National Military Cemetery at Mobile ceded to U. S. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the State does hereby cede to the United States all right and title which this State now has to the enclosure within the limits of magnolia cemetery, in the city of Mobile, which is now occupied as a national military cemetery, and does further cede jurisdiction over said enclosure; *Provided, however,* that all civil and criminal process issued from any court of this State under authority of law, may run and be executed within the bounds of said national military cemetery at Mo-

Proviso.

bile, the same in all respects as if this act had never been passed.

Approved March 6th, 1875.

No. 48.]

AN ACT

To authorize the cession to the United States of the titles of this State to submarine sites for light houses and other aids to navigation within the limits of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever the United States desire to acquire title to land belonging to this State, and covered by the navigable waters of the United States, and within the limits of this State, for the site of a light house, beacon or other aid to navigation, and application is made therefor by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the governor of the State is authorized and empowered to convey the title to the said United States, and to cede to the United States jurisdiction over the same; *Provided*, no single tract shall contain more than ten acres, and that this State shall retain jurisdiction concurrent with the United States, so far that all process, civil and criminal, issuing under the authority of this State, may be executed by the proper officers thereof upon any and all person and persons amenable to the same, within the limits of the tract so ceded, in like manner and to like effect as if this act had never been passed.

Manner of acquiring sites to light houses &c.

Proviso.

Approved January 23, 1875.

No. 49.]

AN ACT

To provide for the transfer of the inmates of the freedman's hospital, located near the city of Talladega, to the respective counties from which they came.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William H. Thornton be and he is here-

Commissioner
appointed.

Must sell prop-
erty.

Purpose of
sale.

Inmates to be
conveyed to
their counties.

To whom de-
livered.

Inmates to be
supplied with
necessary
clothing.

Commission-
er's salary.

Balance.

Auditor to
supply defi-
ciency if any.

Amount.

Report of Com-
missioner.

by appointed a commissioner, whose duty it shall be to take charge of all the property belonging to the freed-man's hospital, and to sell the same, either at public or private sale, as he may think best, for the purpose of removing the inmates of said hospital to the counties from which they came.

SEC. 2. *Be it further enacted*, That he shall appoint some suitable person, or persons, to take charge of said inmates, and convey them to the counties from which they came, and deliver them to the judge of probate of said counties, who shall receive them and provide for them as the other paupers of said county.

SEC. 3. *Be it further enacted*, That out of the money arising from the sale of the property as provided in the first section of this act, said commissioner shall provide said inmates with such clothing as may be absolutely necessary for their comfort, and pay the expenses of transportating them as herein provided, and after retaining the sum of fifty dollars for his trouble, shall pay the balance, if any, into the State treasury.

SEC. 4. *Be it further enacted*, That in the event that the amount arising from the sale hereinbefore provided, should not be sufficient for the purposes enumerated in the third section of this act, then the auditor be and he is hereby authorized and required to draw his warrant on the State treasurer, in favor of said William H. Thornton for any balance that may be necessary for said purpose, but not to exceed the sum of two hundred and fifty dollars.

SEC. 5. *Be it further enacted*, That said commissioner shall make report to the governor of his action under this act, as soon as he shall have carried its provisions into effect.

Approved December 18, 1875.

No. 50.]

AN ACT

To fix the compensation of the state printer.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for doing the public printing required by law, the public printer shall be entitled, in the manner and upon the evidence now required by law, compensa-

tion at the following rates, to-wit: For each page of the acts and joint resolutions, binding the requisite number included, three dollars and eighty-five cents; for each page of the journals and revenue laws, two dollars and eighty-five cents; for blanks, printed on paper per quire of twenty-four full sheets, one dollar; for blanks, printed on parchment per quire of twenty-four sheets, one dollar and fifty cents; for the printing done for each house of the general assembly, while in session, or for other printing, for the composition per thousand ems of plain matter, ninety cents; figure work per thousand ems, one dollar and twenty-five cents; rule and figure work per thousand ems, one dollar and seventy-five cents; press work, including paper, per token, common octavo forms, two dollars; broadsides, per token, including paper, one dollar and twenty-five cents; folding reports, bills and other documents, per hundred copies, on each signature, distinct tables to be considered as signatures, twenty cents; stitching of reports, bills and other documents, per hundred copies, thirty-five cents.

Rates of compensation.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, whether of a general or private character, contravening the provisions of this act, be and the same are hereby repealed.

Approved December 9, 1874.

No. 51.]

AN ACT

For the protection of savings banks in the payment of moneys deposited by minors, and married women.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever any money has been or may be deposited by any minor or married woman in any savings bank, or saving association, in this State, to his or her credit, and certificate thereof shall have been given to such minor, or married women, it shall be lawful for such banks or association to pay to such depositors such deposits, although no guardian has been appointed for such minor, or the guardian shall not have authorized the drawing of the same, and although the husband of such married woman shall not have authorized the drawing of the deposit so made by and in the

Authorized to pay certain moneys to married women and minors.

Proviso.

name of the wife, and the receipt, acquittance, or check of such minor, or married woman, for such deposit, shall be a full discharge of such banks or associations, from all claims by any person for the said money so deposited, and then standing to the credit of such minor, or married woman. But nothing herein contained shall impair the right of any person interested in said money against any person to whom the same shall be paid by such savings bank or association.

Approved March 8, 1875.

No. 52.]

AN ACT

To amend sections one (1), two (2) and five (5) of an act entitled an act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction, approved December 9, 1859.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections one (1), two (2) and five (5) of an act, entitled an act "to incorporate the grand lodge of free and accepted masons of the State of Alabama, and the subordinate lodges under its jurisdiction," approved December 9, 1859, which are in words and figures as follows :

Sec. 1 of act of
Dec. 9, 1859,
recited.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That R. H. Ervin, S. F. Hale, H. S. Shelton, and J. A. Whitaker, and their successors in office, be and they are hereby incorporated by the name of the most worshipful grand lodge of free and accepted masons of the State of Alabama, and by that name shall have capacity to sue and be sued, plead and be impleaded in any and all of the courts of this State, to contract and be contracted with, to have a common seal, and to alter the same at pleasure, and the said grand lodge, through its four principal officers, shall have perpetual succession, and may grant dispensations and charters to subordinate lodges, to be subject to and under its masonic jurisdiction, and make, ordain and establish its constitution, by-laws, rules and regulations, not incon-

sistent with the constitution or laws of this State, or of the United States, and may acquire, hold and enjoy so much real estate as may be necessary for the erection of proper buildings and offices, not to exceed ten acres, for carrying on and conducting its business; and in the erection of its lodge rooms, may erect store rooms or offices in the lower stories thereof, and rent out the same and collect the rent and hold or loan the same out, as the said grand lodge may desire, subject to the regulations hereinafter prescribed.

SEC. 2. *Be it further enacted*, That said grand lodge shall have power to collect its revenue and to apply the same according to the ancient customs of the order, or may loan out the same for the purpose of aiding in benevolent enterprises, or for the purpose of accumulation; *Provided*, that the funds in money, or choses in action, shall not exceed in available assets the sum of fifty thousand dollars at any one time, and shall not be loaned upon usurious interest, nor shall the funds or accretions thereof be used otherwise than for the payment of the expenses of said grand lodge and for charitable purposes, and being thus set apart, the same shall not be liable to taxation.

Sec. 2 of act of
Dec. 9, 1859,
recited.

SEC. 5. *Be it further enacted*, That the said grand lodge and each subordinate lodge under its jurisdiction, shall have, respectively, power to receive by gift, grant, contract, devise, or donation by will, subscription, or otherwise, any personal or real estate, not exceeding in value the sum hereinabove mentioned as the maximum of their assets, respectively, and shall have power to sell, alien or dispose of the same, and that no such gift, grant, contract, or devise, or donation by will, subscription, or otherwise, shall fail by reason of any misconception in the name of such corporation, and that all contracts or agreements which may have been lawfully entered into by said subordinate lodges under their organization heretofore, shall be binding upon them in their several corporate capacities under this act; and that the same may be enforced by them respectively, and the property and effects owned by them being dedicated to charitable purposes only, shall be exempt from taxation.

Sec. 5 of act of
Dec. 9, 1859,
recited.

—Be and the same are hereby amended so as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That R. H. Ervin, S. F. Hale, H. S. Shelton

Amendment of
sec. 1.

and J. A. Whitaker, and their successors in office, be and they are hereby incorporated by the name of the most worshipful grand lodge of free and accepted masons of the State of Alabama, and by that name shall have capacity to sue and be sued, plead and be impleaded, in any and all of the courts of this State, to contract and be contracted with, to have a common seal and to alter the same at pleasure, and the said grand lodge, through its four principals, shall have perpetual succession, and may grant dispensations and charters to subordinate lodges, to be subject to and under its masonic jurisdiction, and make, ordain and establish its constitution, by-laws, rules and regulations not inconsistent with the constitution or laws of this State or of the United States, and may acquire, purchase, hold and enjoy real estate not to exceed ten acres in quantity and two hundred thousand dollars in value for carrying on and conducting its business, may rent out any store, rooms or offices in the lower stories of the buildings which may have been erected on such real estate, or which the said grand lodge may erect thereon, and collect the rent, and for the purpose of purchasing such real estate and buildings, the said grand lodge shall have power to borrow money, issue its bonds therefor and execute a mortgage on any property it may own to secure the same, and may hold or loan out any money derived from the renting of its store rooms and offices or otherwise, as the said grand lodge may desire, subject to the regulations hereinafter prescribed.

Amendment of
sec. 2.

SEC. 2. *Be it further enacted*, That said grand lodge shall have power to collect its revenue and apply the same according to the ancient customs of the order, or may loan out the same for the purpose of aiding in benevolent enterprises or for the purpose of accumulation; *Provided*, that the money of said grand lodge shall not be loaned upon usurious interest, nor shall the funds or accretions thereof be used otherwise than for the payment of the expenses of said grand lodge and for charitable purposes, and being thus set apart the same shall not be liable to taxation.

Amendment of
sec. 5.

SEC. 5. *Be it further enacted*, That the said grand lodge, and each subordinate lodge under its jurisdiction, shall have, respectively, power to receive by gift, grant, contract, devise or donation by will, or otherwise, any personal or real estate, not exceeding in value the sum of

two hundred thousand dollars as the maximum of their assets, respectively, and shall have power to sell, alien or dispose of the same, and that no such gift, grant, contract, or devise, or donation by will, subscription, or otherwise, shall fail by reason of any misconception in the name of such corporation, and that all contracts or agreements which may have been lawfully entered into by said subordinate lodges under their organization heretofore shall be binding upon them in their several corporate capacities under this act, and that the same may be enforced by them respectively, and the property and effects owned by them being dedicated to charitable purposes only shall be exempt from taxation.

SEC. 2. *Be it further enacted*, That all laws and parts of laws of a general or special character conflicting with the provisions of this act be, and the same are hereby repealed.

Approved March 17, 1875.

No. 53.]

AN ACT

For the relief of maimed officers and soldiers of the State.

WHEREAS, by act of the general assembly of Alabama, approved January 15, 1872, the governor was authorized to employ an unexpended balance of fourteen thousand three hundred and forty dollars, which remained in the treasury of an appropriation made by an act approved February 19, 1867, in furnishing all applicants, such as are in said section described, with limb, or limbs, who may apply according to the laws of the State; *Provided*, the amount in said behalf expended should not exceed the sum of said amount so unexpended as aforesaid; and whereas, there still remains of the amount so appropriated by the said act of January 15, 1872, in the treasury the sum of dollars unexpended in said behalf; and whereas, many of said officers and soldiers who were supplied with limbs under the provisions of the said several acts of February 19, 1867, and January 15, 1872, are now without the proper supply from wear and other

Preamble.

cause ; and whereas, there are many, too, who have never been supplied with limb or limbs under the provisions of the said named acts, or either of them, and who are or soon will be in need of the necessary supply ; now, therefore—

Authority of
the governor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and is hereby authorized to supply any and all persons embraced in the classes so before named, who may be in need thereof, with limb or limbs, as applied for according to the laws of this State ; *Provided, however,* the amount expended in this behalf shall not exceed the sum now remaining in the treasury aforesaid of dollars.

Approved February 25, 1875.

No. 54.]

AN ACT

To fix the number of the officers of the peitentiary, and their compensation.

Number of offi-
cers.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following are the officers of the penitentiary, to-wit: one warden, one deputy warden, three inspectors, one physician, one clerk, one chaplain, one turnkey, and as many guards as may be determined by the inspectors to be necessary.

Salaries.

SEC. 2. *Be it further enacted,* That the salary of the warden shall be two thousand dollars per annum, payable quarterly ; and of the deputy warden, one thousand dollars per annum, payable quarterly, and said deputy shall perform the duties of sergeant of the guard and commissary, without any additional compensation ; that the salary of the clerk shall be seven hundred dollars per annum, payable quarterly ; the salary of the chaplain shall be three hundred dollars per annum, payable quarterly ; the salary of the physician shall be five hundred dollars per annum, payable quarterly ; the salary of the turnkey shall be three hundred dollars, and rations, per annum, payable quarterly ; and the salary of the guards shall be two hundred and fifty dollars each and rations per annum, payable quarterly. The salary of the inspectors shall be two hundred dollars each per annum, and their necessary expenses incurred while actually en-

gaged in the discharge of their duties. Such accounts for expenses shall be verified on oath, and such salary shall be paid quarterly.

SEC. 3. *Be it further enacted*, That there shall be no other or additional officers of the penitentiary than those named in the first section of this act.

SEC. 4. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be and the same are hereby repealed.

Approved March 15, 1875.

No. 55.]

AN ACT

To provide for the liquidation of the debts due by the penitentiary and State farm.

WHEREAS, certain claims against the State on account of the penitentiary and State farm were communicated to this house, in a message from his excellency the governor, on the 13th instant, and for the payment of which an appropriation is required; therefore—

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners appointed to liquidate and adjust all claims against the State of Alabama be and they are hereby authorized and required to examine said claims, and also the accounts of L. Willis, warden, and upon sufficient evidence to determine the amount due to each of these claimants. Authority of commissioner to examine and adjust certain claims.

SEC. 2. *Be it further enacted*, That when the amounts due on these claims have been determined in the manner provided for in the preceding section of this act, the commissioners shall certify the same to the governor, and on his approval, the auditor shall draw his warrant on the treasurer in favor of each of such claimants for the amount so determined to be due him. Certified to the governor.

SEC. 3. *Be it further enacted*, That for the purpose of this act the sum of five thousand dollars shall be set aside by the treasurer, out of any moneys not otherwise appropriated, which sum, or so much thereof as may be required, shall be drawn on by the auditor for the payment of the claims determined to be due by the commissioners so provided for in the first section of this act. Appropriation

SEC. 4. *Be it further enacted*, That all laws and parts

of laws contravening the provisions of this act be and the same are hereby repealed.

Approved March 20, 1875.

No. 56.]

AN ACT

To authorize and require the auditor to draw his warrant on the treasury in favor of John G. Bass, warden of the penitentiary, for five hundred dollars.

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of five hundred dollars be and is hereby appropriated out of the State treasury for the purpose of feeding the convicts in the State penitentiary, and that the auditor draw his warrant in favor of John G. Bass, warden, for that sum; *Provided,* That in the general appropriation bill said amount shall be deducted from the amount appropriated to the penitentiary.

Approved March 11, 1875.

No. 57.]

AN ACT

To provide a contingent fund for the support of the State penitentiary during the year ending December 31st, 1875.

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there be and is hereby appropriated the sum of five thousand dollars, less the sum of five hundred dollars, heretofore appropriated in a joint resolution "to authorize the auditor to draw his warrant upon the treasurer in favor of John G. Bass, warden of the penitentiary, for five hundred dollars," approved March 11, 1875, out of any money in the treasury not otherwise appropriated, as a contingent fund for the support of the State penitentiary during the year ending December 31, 1875.

Warrant issu'd
on certificate
of warden.

SEC. 2. *Be it further enacted,* That the contingent fund provided for in section one of this act may be drawn from the treasury upon the warrant of the auditor to be

issued upon the certificate of the warden of the penitentiary, approved by the governor, in such sums and at such times as the needs of the penitentiary shall require; *Provided*, That any balance remaining on hand out of said sum of five thousand dollars on the thirty-first day of December, 1875, shall be placed to the credit of the general fund in the treasury.

Approved March 19, 1875.

No. 58.]

AN ACT

To amend section 6 of an act to amend certain sections of the Revised Code, viz: Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, article 2, chapter 5, title 2, part 4, approved February 26, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 6 of an act to amend certain sections of the Revised Code, viz: Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, article 2, chapter 5, title 2, part 4, approved February 26, 1872, which section is in words and figures as follows, to-wit:

“Sec. 6. *Be it further enacted*, That section 3853 (305) of the Revised Code, which is in words and figures as follows, to-wit: Act recited.

“§ 3853 (305). *Salary of Warden and Deputy.*—The salary of the warden, when he is not also the lessee, is twenty-five hundred dollars, payable quarterly; and the deputy warden, when the penitentiary is not under lease, seven hundred and fifty dollars, payable quarterly,”

—Shall be amended so as to read as follows, to-wit:

“§ 3853 (305). *Salary of Warden and Deputy Warden.*—The salary of the warden is three thousand dollars, payable quarterly, and of the deputy warden one thousand dollars, payable quarterly,” Amendment.

—Be so amended as to read as follows:

“§ 3853 (305). *Salary of Warden and Deputy Warden.*—The salary of the warden, when he is not the lessee, is two thousand (\$2,000) dollars, payable quarterly, and of the deputy warden, when the penitentiary is not under lease, is seven hundred and fifty dollars, payable quarterly.”

SEC. 2. *Be it further enacted*, That section 6 of said act, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 2, 1875.

No. 59.]

AN ACT

To amend section three of an act to amend certain sections of the Revised Code, viz : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, approved February 26, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section three of an act entitled "An act to amend certain sections of the Revised Code, viz : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856," approved February 26, 1872, which reads as follows, to-wit :

Act recited.

"Sec. 3. *Be it further enacted*, That section 3836 (288) of the Revised Code, which is in words and figures as follows, to-wit :

"§ 3836 (288). *Same authority*.—The warden has the charge and custody of the penitentiary, and of all the convicts therein, with all the lands, buildings, furniture, tools, implements, stock, provisions and other property of whatever kind thereunto belonging, and must receive and pay out all moneys"—shall be so amended as to read as follows, to-wit :

Amendment
recited.

"§ 3836 (288). *Same authority*.—The warden has the charge and custody of the penitentiary, and of all the convicts therein, with all the lands, buildings, furniture, tools, implements, stock, provisions and other property thereunto belonging, and is hereby authorized and empowered, under such rules and regulations as may be adopted by the board of inspectors, and approved by the Governor, to employ or hire out the convicts, to be used without the walls of the penitentiary, either upon public or private work, within the State ; *Provided*, That such hiring shall not be for a longer term than one year ; *And provided*, That the first term of such hiring shall terminate on the 1st day of December, 1872 ; *And provided further*, That it shall be the duty of said warden, and he is hereby required, to em-

ploy as many of the convicts within the walls of the penitentiary as he can advantageously and profitably so employ"—be so amended as to read as follows, to-wit :

Sec. 3. Be it further enacted, That section 3836 (288) of the Revised Code, which is in words and figures as follows, to-wit :

" § 3836 (288). *Same authority.*—The warden has the charge and custody of the penitentiary, and of all the convicts therein, with all the lands, buildings, furniture, tools, implements, stock, provisions and other property of whatever kind thereunto belonging, and must receive and pay out all moneys"—shall be so amended as to read as follows, to-wit :

§ 3836 (288). *Same authority.*—The warden has the charge and custody of the penitentiary, and of all the convicts therein, with all the lands, buildings, furniture, tools, implements, stock, provisions and other property thereunto belonging, and is hereby authorized and empowered, under such rules and regulations as may be adopted by the board of inspectors, and approval of the governor, to employ or hire out the convicts, to be used without the walls of the penitentiary, either upon public or private work, within the State, all contracts of hiring to be approved by the governor ; *Provided*, That such hiring shall not be for a term longer than five years ; *And provided further*, That an officer of the penitentiary shall always be present with such convicts when so employed ; *And provided further*, That it shall be the duty of said warden, and he is hereby required, to employ as many of said convicts within the walls of the penitentiary as he can advantageously and profitably so employ. Amendment.

SEC. 2. *Be it further enacted*, That said section three of said act, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 18, 1875.

No. 60.]

AN ACT

To repeal an act entitled "An act to prevent the hiring out of convicts beyond the limits of the county in which they are convicted," approved April 10, 1873.

SECTION 1. *Be it enacted by the General Assembly of*
 Repealing act. *Alabama*, That an act entitled "An act to prevent the hiring out of convicts beyond the limits of the county in which they are convicted," approved April 10, 1873, be and the same is hereby repealed.
 Approved March 20, 1875.

No. 61.]

AN ACT

To authorize and empower the governor to lease out or rent the Penitentiary Farm, together with such of the stock and other material as he may see proper, and to hire to such lessee such of the convicts as may be agreed upon, not to exceed in number one hundred (100), and for a period not exceeding eight years.

SECTION 1. *Be it enacted by the General Assembly of*
 Authority to lease Penitentiary farm. *Alabama*, That the governor is hereby authorized and fully empowered to lease out and rent the penitentiary farm, heretofore purchased by the State from Thomas Williams, together with all the mules and other material that may be upon such farm, and at the same time may hire to such lessee a number of convicts not to exceed one hundred (100), and for a period not to exceed eight (8) years, upon such terms and under such rules and regulations as may be deemed proper by the governor; *Provided, however*, That if the vendor of said farm accept such lease, the governor shall require as a part of the consideration the surrender to the State of all the bonds and coupons issued under and by virtue of an act entitled "An act to authorize the purchase of lands and mules for the State of Alabama to be used in connection with the penitentiary," approved March 29, 1873; and also the surrender, with the evidence that the same are satisfied, all mortgages or liens which operate as incumbrances on said farms and lands, and that such

surrender of the bonds and coupons and mortgages shall form a part of the execution of said contract of lease and hire.

SEC. 2. *Be it further enacted*, That such lessee shall give bond in such sum as may be required by the governor, with good and sufficient security, to be by him approved, payable to the State of Alabama, conditioned that such lessee shall perform each and every part of such contract, and that he will comply with the rules and regulations for the confinement of convicts, and that such convicts be treated humanely while under his control, and shall employ said convicts on his premises except when in case of overflowed water, or in case of sickness, a temporary removal may be necessary. Bond required of lessee.

SEC. 3. *Be it further enacted*, That such bond shall be deposited with the treasurer of the State, and upon ten days notice the governor may require such lessee to give a new or additional bond, and upon failure, such contract may be declared forfeited, at the option of the governor. Deposit'd with treasurer.

SEC. 4. *Be it further enacted*, That it shall be the duty of the wardens of the penitentiary to visit and inspect the convicts upon said farm from time to time each year, and report to the governor, at any time, any irregularity, and suggest such rules best adapted for the treatment of such convicts. Duty of wardens.

SEC. 5. *Be it further enacted*, That such lessee shall, at his own expense, keep a sufficient number of guards for the safe keeping of such convicts, and shall be subject to all the pains and penalties under the laws of this State for an escape. Guards.

SEC. 6. *Be it further enacted*, That the governor is authorized to vary or change such contract from time to time with such lessee; provided, the rights and interest of the State, and such lessee shall not be impaired under the provisions of the first contracts. Authority of governor to vary contract.

Approved March 10, 1875.

No. 62.]

AN ACT

To provide for the payment of the expenses in the execution of the educational system of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act the salary of the superintendent of public instruction, the salaries of the clerks of such superintendent's office, the mileage and *per diem* of the members of the board of education, the mileage and *per diem* of the members of the board of regents, and the pay of the clerks, messengers and employes of such board, together with all expenses for stationery and printing, and contingent expenses of every kind and nature, shall be paid out of moneys belonging to and set apart under the laws of this State for the maintenance and support of public schools; *Provided*, this act shall not take effect until after the present scholastic year.

Salaries and expenses of school system paid from school fund.

Does not apply to present year

Intent of act declared.

SEC. 2. *Be it further enacted,* That the intent and meaning of this act is to require every expenditure in the execution of the public school system of the State to be paid from the moneys belonging to or set apart for the maintenance and support of public schools.

Approved March 20, 1875.

No. 63.]

AN ACT

To amend section 957 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 957 of the Revised Code, which reads as follows:

"Section 957 (821.) *What is the educational fund.* The following sums of money are hereby appropriated and set apart to compose a fund, to be known as the educational fund for the maintainance of a system of free public schools in this State.

First.—The annual interest at eight per cent. on that part of the surplus revenue of the United States deposited with the State under the act of Congress of the 23d of June, 1836.

Second.—The annual interest at eight per cent. on the

proceeds of the sale of certain lands granted by the United States for the use of schools in the valueless sixteenth section in this State, under the act of congress of the 11th of August, 1848.

Third.—The annual interest at eight per cent. on the fund which has accrued or may hereafter accrue from the sale of the sixteenth sections of the several townships of this State.

Fourth.—The annual appropriation from any money in the treasury, not otherwise appropriated, of such a sum, not to exceed one hundred thousand dollars, as shall, together with the other funds set apart by this act, enable the superintendent to allow and pay to each township of the State, a sum to be ascertained by multiplying one dollar and fifty cents by the number of children in such township within the educational age, and deducting from the result the sum annually received by such township from the sale or lease of its sixteenth section.

Act recited.

Fifth.—All sums of money which may hereafter accrue from escheats to the State.

Sixth.—Such sums as may be produced by the following taxes: An annual tax on every bank and every insurance or exchange company, now or hereafter chartered in this State, of one hundred dollars, or in that proportion on every one hundred thousand dollars of its capital stock; on every rail road company in this State, after it shall have dividend of one hundred dollars, or in that proportion on every hundred thousand dollars of its capital stock; an annual tax on every agency of any foreign bank or exchange company of one hundred dollars; an annual tax on every agency of any insurance company of one per cent. of the profits of such agency; an annual tax on all foreign bank bills used in this State by any corporation, partnership, or person, of one-half per cent. on every hundred dollars profit made by the use of such bills, and such taxes must be collected out of such bank, agency, corporation, company, partnership, or person.

Seventh.—All sums received by the State under the first subdivision of section 437.

Eighth.—All sums received by the State from taxes on mining capital."

—Be so amended that it shall read:

Section 957 (821.) *What is the educational fund. The*

Amendment.

following sums of money are hereby appropriated and set apart to educational purposes for the maintenance of a system of free public schools in this State.

Interest on valueless 16th section lands. First.—The annual interest at four per cent. on the proceeds of the sale of certain lands granted by the United States for the use of schools in the valueless sixteenth section in this State, under the act of Congress of 11th of August, 1848.

Interest on sales of school lands. Second.—The annual interest at four per cent. on the fund which has accrued or may hereafter accrue from the sale of the sixteenth sections of the several townships of this State.

One-fifth of annual revenue after deducting all costs and expenses of collection. Third.—One-fifth of the aggregate annual revenue of this State, actually collected, for the use of the State for other than educational purposes, after the deduction of all the cost and expense of collection, and excluding from such proportional part all taxes collected by the State for its use from subjects otherwise in any way taxed for the educational fund.

Poll tax. Fourth—A poll tax of one dollar and fifty cents on every male resident of this State over the age of twenty-one years and under the age of fifty years, but the expense of collecting this poll tax must be paid out of the proceeds thereof.

Escheats. Fifth—All sums of money which may hereafter accrue from escheats to the State.

Sixth—All sums of money which may be paid for exemptions from military duty.

Annual tax on banks, &c. Seventh—Such sums of money as may be produced by the following taxes: An annual tax of fifty dollars on every bank and every insurance or exchange company now or hereafter chartered in this State; an annual tax of fifty dollars on every railroad company in this State whose road is of the length of twenty miles, or more, and of ten dollars on every railroad company whose road is of the length of less than twenty miles; an annual tax of fifty dollars on every navigation company doing business in this State; an annual tax of fifty dollars on every express company and on every telegraph company, and on every sleeping car or palace car company which do business in this State; an annual tax of fifty dollars upon the agency of each and every bank, insurance and exchange company chartered by other States or countries doing business in this State; but this tax shall be collected but once from any bank, insurance or exchange

Agencies of banks, insurance companies, &c., chartered by other States.

company chartered by other States doing business by agency in this State; an annual tax of one-half of one per cent. upon the profits of foreign bank bills issued in this State, by any corporation, person or partnership.

Eighth—Rents, income and profits from all lands remaining unsold which have heretofore been donated by the congress of the United States for the support and maintenance of public schools. Proceeds from lands donated by congress, unsold.

SEC. 2. *Be it further enacted*, That said section 954, Repealing section, as the same now stands in said Revised Code, is hereby repealed.

Approved March 8, 1875.

No. 64.]

AN ACT

To provide summary remedies against defaulters to the public school fund.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That summary judgments must be rendered, Summ'ry judgments against defaulters. on motion, after ten days notice, in favor of the county superintendent of education for the use of his county, against the defaulters hereinafter named and the securities on their official bonds, or any one of them, in the circuit court, or other courts having jurisdiction of the county in which the defendants or any of them reside, in the following cases:

First—Against tax collectors and their sureties, for the failure of such collector to pay over according to law the school money due his county, as shown by the auditor's warrant on him, or so much thereof as he may have collected, or for the failure of such collector to pay over, according to law, all the poll tax collected by him; said judgment to be for the amount for which the collector is in default, interest from time of default, and twenty per centum damages thereon and court costs. Against collectors.

Second—Against county treasurers and their sureties, for failing to pay over, according to law, all school monies now in their hands, or which may hereafter come into their hands; such judgment to be for amount due by such treasurer, interest thereon from time of default, and twenty per centum damages thereon and court costs. Against county treasurers.

Third—Against any county superintendent of educa-

Against Co.
Supts. who
have resigned,
&c.

tion who has resigned, removed from his county, or been legally removed from office, or whose term of office has expired, and the sureties on the official bonds of such superintendents, or any of them, such judgment to be for the amount of school money belonging to his county, and which has not been legally disbursed by him, or paid over to his successor in office, and in favor of such successor, if there is one, for the amount due by such superintendent, interest from time of default, and twenty per centum damages, besides court costs, and in all cases in which there is no successor, then such judgment must be rendered in favor of the superintendent of public instruction, on his motion, for the use of the county in which such defaulting officer resided, and the money, when recovered by the superintendent of public instruction, must be turned over to the county superintendent when appointed and qualified.

May employ
attorneys.

Compensation.

SEC. 2. *Be it further enacted*, That the county superintendents of education in each county may employ attorneys to prosecute actions under the provisions of this act against the defaulters and their sureties; *Provided*, That in no case shall any attorney receive more than ten per centum of the amount which may be collected on any judgment obtained by him, or of the amount which may be otherwise recovered by him.

Notice served
by sheriff.

Its contents.

SEC. 3. *Be it further enacted*, That the notice herein before prescribed upon which the action may be commenced must be served by any sheriff of this State, and such notice must succinctly state the cause for which the motion will be made, and the court and term at which the motion will be made.

Transcript
prima facie
evidence.

SEC. 4. *Be it further enacted*, That in all actions commenced and prosecuted under the provisions of this act, a transcript from the books and records in the office of the superintendent of public instruction, or of the auditor, certified under the hands of these officers respectively, shall be *prima facie* evidence of the facts shown by them.

Trial without
jury, except
when demand-
ed.

SEC. 5. *Be it further enacted*, That the court must hear and determine the motion, and render judgment upon the evidence without a jury, unless a jury trial be demanded, when a jury must be immediately empaneled to try the facts unless good cause be shown for continuance.

SEC. 6. *Be it further enacted*, That all actions com-

menced under the provisions of this act shall stand for trial at the first term of the court in which such motion is made, when it shall appear to the courts that the notice herein before required has been given. Trial at first term.

Approved March 9, 1875.

No. 65.]

AN ACT

To create a lien in favor of the owners of stallions or jacks for the amount of the season for any such stallion or jack.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter all owners of stallions or jacks who may have taken out and paid a license to stand the same, shall have and a lien is hereby created in favor of such owner on any mare to whom said stallion or jack may be put for the stipulated price therefor. Lien created in favor of owners of stallions or jacks.

SEC. 2. *Be it further enacted,* That any person selling or otherwise disposing of such mare until the fee to the owner of such stallion or jack is paid or satisfied, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding one hundred dollars.

Approved March 19, 1875.

No. 66.]

AN ACT

To fix the time of the meeting of the next General Assembly.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the time of meeting of the next general assembly of Alabama shall be on Tuesday, the 28th day of December, 1875; *Provided,* That if no constitutional convention is called, under the act, approved the _____ day of _____, 1875, then, and in that case, this act is not to be operative. Time of meeting of general assembly.
Proviso.

SEC. 2. *Be it further enacted,* That all laws and parts

of laws in conflict with this act, be and the same are hereby repealed.

Approved March 20, 1875.

No. 67.]

AN ACT

To burn notes and papers herein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the State treasurer is hereby authorized and required to procure a suitable book, in which he shall record the number and denomination of each and every bill, or note, known as State certificates, that is, or may hereafter be paid into the treasury, except such as may be held as special deposits. The governor shall have said record examined, and when satisfied said record is correct, have the bills or notes therein recorded burned in his presence; the governor shall then be required to enter upon said record the amount of certificates so destroyed, and authorize the issuance of a warrant, or other proper voucher, or release, for the protection of the State treasurer, against his receipt for such certificates so destroyed. The sealed package said to contain in notes and half notes of the State bank and branches, \$46,224.00, is hereby authorized to be burned in package in the presence of the governor, after the same shall be opened, examined and verified by the treasurer in the presence of the governor, and a record shall be made upon the book authorized above, stating amount and description of said notes thus destroyed, which statement shall bear his signature, and be a protection to the State treasurer against his receipt issued for said sealed package.

Duty of treasurer of State.

Certain notes to be burned.

Approved March 20, 1875.

No. 68.]

AN ACT

To authorize the courts of county commissioners of this State to provide field notes of the original government surveys of all the lands in their respective counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the courts of county commissioners of this State be, and they are hereby authorized and empowered to contract with the secretary of state, at an amount not greater than six and a half costs per hundred words, for certified copies of the field notes of the original government surveys of all the lands in their respective counties. Authorized to contract.

SEC. 2. *Be it further enacted,* That it shall be the duty of the secretary of state, on entering into the contract provided for in the preceding section, to furnish exact copies of the field notes of such original surveys from the records now in his office of all the lands in such county on a book of proper size, to be furnished by such court, at the close of which he shall append his certificate as to the correctness thereof, under the great seal of the State. Duty of secretary of state.

SEC. 3. *Be it further enacted,* That such books, when so completed, shall be deposited in the office of the probate judge of the proper county, free to the inspection of all the citizens of this State. Books open for inspection.

SEC. 4. *Be it further enacted,* That copies of such field notes, when certified by the judges of the probate courts of this State, in due form of law, shall be admissible as evidence in any suit or proceeding in any of the courts of this State. Certified copies admissible as evidence.

SEC. 5. *Be it further enacted,* That when the secretary of state shall have completed the field notes for any county under the provisions of this act, and shall have delivered the same to the probate judge of such county, it shall be the duty of the commissioners court of such county to draw a warrant on the treasurer of such county for the amount found due such secretary of state, which is hereby declared to be a preferred claim against such county, which shall be paid out of any moneys in the treasury not otherwise appropriated. Compensation of secretary of state.

SEC. 6. *Be it further enacted,* That all laws in conflict

with the provisions of this act be and the same are hereby repealed.

Approved March 8, 1875.

No. 69.]

AN ACT

To exempt from levy and sale court houses, jails and poor houses in this State.

Property of county used for county purposes exempt from levy and sale.
 SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all court houses, jails, poor houses and other property belonging to the several counties in this State and used for county purposes, be and the same are hereby exempted from levy and sale under any execution, decree or other legal process whatever.

Penalty for levying an execution upon county property.
 SEC. 2. *Be it further enacted,* That any sheriff or other officer who shall levy any execution or other process upon any court house, poor house or other property belonging to any county in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one thousand dollars, and imprisoned in the county jail not less than twelve months.

Approved March 20, 1875.

No. 70.]

AN ACT

To prescribe certain duties of justices of the peace, notaries public and constables, and to secure their fees in certain cases.

Duties prescribed.
 SECTION 1. *Be it enacted by the General Assembly of Alabama,* That justices of the peace, notaries public and constables in the several counties of this State shall, on or before the first day of each term of the circuit or city court of their respective counties, report, under oath, the amount of fines and forfeitures collected by them to the county treasurer, and after deducting therefrom the amount due them respectively for fees in cases in which the defendant was acquitted, or insolvent and unable to pay after conviction, shall pay the balance to said county treasurer.

SEC. 2. *Be it further enacted*, That any justice of the peace, notary public, or constable aforesaid, failing to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof be fined not less than ten nor more than one hundred dollars. Penalty.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 19, 1875.

No. 71.]

AN ACT

To compel the courts of county commissioners of this State, to carry into effect the provisions of chapter 3, part 4, title 2, of the Revised Code, providing for hard labor for the county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That if any court of county commissioners in this State, shall fail or refuse for the space of ninety days after the approval of this act to provide for carrying out the provisions of chapter 3, title 2, part 4, of the Revised Code, and fail to put convicts to hard labor as provided therein, each member of said court who shall so fail or refuse, shall be deemed and held to be guilty of a misdemeanor, and on conviction must be fined not more than two hundred dollars. Duty of commissioners court.
Failure a misdemeanor.
Penalty.

Approved March 8, 1875.

No. 72.]

AN ACT

To change the name of Baker county to Chilton.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the name of Baker county shall be and the same is hereby changed to Chilton, and that all public property, rights and credits pertaining to said county of Baker shall pertain as fully to said county of Chilton as though the name of said county were not changed, and all writs, Name of Baker co. changed to Chilton.

processes or proceedings of any kind or character, or obligations in writing of every kind and character, in which the name of Baker occurs in relation to said county, shall be taken and held as though the name of Chilton had been originally used therein.

Approved December 17, 1874.

No. 73.]

AN ACT

To add a part of Dallas county to Chilton county.

Portion of Dal-
las added to
Chilton.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That that portion of Dallas county beginning at the southwest corner of township twenty (20), range eleven (11), thence north on the range line to township line between twenty (20) and twenty-one (21), thence due east along the township line to the Big Mulberry creek, thence down said Big Mulberry creek, south, to the township line between nineteen (19) and twenty (20), thence west to the beginning, be and the same is hereby attached to Chilton county.

Taxes paid to
Dallas.

SEC. 2. *Be it further enacted,* That all taxes due the county of Dallas from citizens residing in the territory mentioned in the first section of this act for the year 1874, shall be paid to and collected by the tax collector of the county of Dallas.

SEC. 3. *Be it further enacted,* That all laws contravening the provisions of this act be and the same are hereby repealed.

Approved February 13, 1875.

No. 74.]

AN ACT

To authorize the filing and recording of certain deeds of conveyance therein named in the office of the probate courts of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any deed of conveyance of any kind, estate, or any interest therein, heretofore made and exe-

cuted as required by law at the date of its execution, and which has not been filed and recorded within the time prescribed by law, may be, at any time within twelve months after the passage of this act, filed and recorded as required by law for other deeds of conveyance; and when so filed and recorded said deeds have the same force and effect in all things as they would legally have had if they had been filed and recorded within the time required by law at the time of the execution of such deed; except as to *bona fide* creditors and purchasers without notice of the making and execution of such deed.

Certain deeds, &c., may be recorded within 12 months after passage of this act.

Approved March 20, 1875.

No. 75.]

AN ACT

To regulate the publication of legal notices in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where publication, notice or advertisement is required by any law to be made in any newspaper in this State, it shall be made by publication for three successive weeks, if in a weekly newspaper, and if in a newspaper published more than once a week, then the notice shall be made by giving it an insertion one day in each week for three successive weeks in such newspaper.

Publication; how made,

Sec. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of section one of this act be and the same are hereby repealed.

Repealing section.

Approved March 15, 1875.

No. 76.]

AN ACT

To authorize the sheriffs of this State to execute all process required by law of constables, except in the counties of Mobile and Madison.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sheriffs of this State be and they are hereby authorized to execute all mesne and final process

Sheriffs to execute process by law required of constables.

that by law is required of constables, and that they shall receive the same fees and compensation as are allowed to constables.

SEC. 2. *Be it further enacted*, That the sheriffs and the sureties on their official bonds shall be liable for any abuse of process that they may execute under this act; *Provided*, this act shall not apply to the counties of Mobile and Madison.

Approved February 26, 1875.

No. 77.]

AN ACT

To aid in the collection of debts by garnishment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases of garnishment heretofore or which may hereafter be pending before any justice of the peace of this State, and the garnishee answers indebtedness to the defendant on account of the purchase-money of land, and the same is condemned in his hands to the payment of the plaintiff's judgment against the defendant, and execution against the garnishee is returned "no property found," or is not fully satisfied, it shall be lawful for the plaintiff to move the circuit court of the county for an order of sale of such land in the same manner as lands levied on by a constable are sold, which order and sale shall be granted and conducted in the same manner; and it is hereby made the duty of the justice of the peace to send up the papers in the cause to the circuit court for such order on the same terms and conditions as he sends up papers in cases of levy on land by a constable.

Approved March 20, 1875.

Proceedings in
cases of gar-
nishment be-
fore justices.

No. 78.]

AN ACT

To make it lawful for the sheriffs of Marion and other counties therein named to execute all processes issued by justices of the peace and notaries public, and receive the usual fees for the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be lawful for the sheriffs of Marion, Green, Fayette, Marengo, Shelby, Walker, Choctaw, Cleburne, Bibb, Pike, Winston, Washington, Escambia, Dale, Conecuh, Lowndes, Monroe, Macon, Covington, Coffee, Butler, Clarke, Crenshaw, Baldwin, Lee, Elmore, Perry, Saint Clair, Tallapoosa, Autauga, Blount, Jackson, Lawrence and Bullock counties, to execute all processes issued by justices of the peace and notaries public in their respective counties, and receive the usual fees by law allowed constables for the same, and the said sheriffs shall be liable on their official bonds as in executing other process from courts of record.

Sheriffs may
execute cert'n
process.

Counties.

Liability.

Approved December 18, 1874.

No. 79.]

AN ACT

To declare the manner in which notice of the levy of an attachment mentioned in the act entitled "An act to regulate the trial of attachment cases," approved December 17, 1873, shall be given.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the notice of the levy of the attachment required in said act shall be given in writing by the sheriff or officer who makes such levy to the defendant in person, or notice thereof in writing left at his residence, if resident in the county, and if not resident in the county, then by putting up a written notice at the court-house door, and by sending a copy of the same by mail, postage prepaid, addressed to the defendant at the postoffice nearest his residence.

Act amended.

Amendment.

Approved March 15, 1875.

No. 80.]

AN ACT

To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all prosecutions by indictment, where a fine is imposed by law as a part or the whole of the penalty for the violation thereof, it shall be unlawful for any judge or other magistrate before whom the offender is tried and convicted to remit or reduce upon any ground or pretext whatsoever the fine below the amount ascertained, fixed and rendered by the jury as the proper punishment, unless and only when the judge so remitting or reducing the fine so assessed shall spread his reasons for so doing in full on the minutes of his court.

Shall not reduce fine.

Exception.

Approved March 6, 1875.

No. 81.]

AN ACT

To enable guardians of minors to lease the real estate of their wards for more than one year.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the probate courts of this State shall have authority, upon the application of the guardian of any minor owning real estate, to grant an order for the leasing of such real estate for a term of years, but no such lease shall be made for a longer term than three years.

May lease realty for three years.

SEC. 2. *Be it further enacted,* That the probate court may order such leasing to be made, either publicly or privately, and that the guardian shall report his action to the court within thirty days after making such lease, and if, upon the consideration of such report, it shall appear that such renting or leasing is advantageous to the interest of said minor, the same shall be confirmed.

Publicly or privately.

SEC. 3. *Be it further enacted,* That upon the hearing of the application to lease, and of the report, the interest of the minor shall be protected by a guardian *ad litem*.

Guardian ad litem.

SEC. 4. *Be it further enacted,* That no lease made un-

der this act shall extend beyond the time at which the minor shall attain majority. Lease not to extend beyond majority.

Approved January 26, 1875.

No. 82.]

AN ACT

To provide for the publication of the criminal laws enacted during the present session of the General Assembly.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all laws enacted during the present session of this general assembly providing for the punishment of criminal offenses shall be published three times severally in the Montgomery Advertiser; and the publisher shall receive the same compensation therefor as was allowed by an act amending "An act to provide for the publication of the laws of the State of Alabama," approved December 19, 1871, and the State auditor is authorized to draw his warrant on the treasury for the cost of such publication; *Provided,* That in each of said publications it shall appear as "published by authority of law;" *Provided, also,* The publication shall begin within five days after the approval of this act. Publication of criminal acts of session. Compensation. Official. Proviso.

Approved February 20, 1875.

No. 83.]

AN ACT

To authorize the publication of the laws of a general character passed at the present session of the General Assembly.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of state is hereby required to furnish to the State printer for publication in a newspaper all the laws of a general and public character, enacted by the general assembly at its present session, within five days after their approval by the governor; *Provided,* That the laws shall not be inserted more than one time, and that the cost for such insertion shall not exceed one dollar per square. Sec'y of State to furnish general laws to State printer. One insertion.

SEC. 2. *Be it further enacted*, That the auditor be and Compensation. he is hereby required to draw his warrant on the State treasurer as the secretary of state shall certify in favor of said State printer for the publication of said laws at said rate of compensation.

SEC. 3. *Be it further enacted*, That the State printer shall furnish one copy of such paper containing the laws Copies of pap'r furnished to certain officers to every judge, supreme, circuit and probate, chancellor, solicitor, superintendent of education, register in chancery, sheriff, clerk of courts, tax collector and tax assessor in the State free of charge.

SEC. 4. *Be it further enacted*, That the secretary of state shall mark on the copy of act furnished said State printer the word official, and his own name and official character, and said acts, when so published, shall be recognized in courts and elsewhere used as an exemplification of the laws on file in the office of secretary of state. Duty of Sec'y of State.

SEC. 5. *Be it further enacted*, That the secretary of state shall be entitled to compensation for furnishing said copy at the same rates as is now allowed by law for certified transcripts from his office, to be paid by said State printer. His compensation.

Approved March 19, 1875.

No. 84.]

AN ACT

To regulate the term of service of jurors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no person shall be competent to serve as a petit juror in any county in this State, for longer than one week in any one year; nor shall any person serve as a grand juror for more than one term consecutively in any county in this State during any one year, whether in the circuit, city or criminal court of such county, and it is hereby made the duty of the court to see, before any person is sworn as a juror, that he is not incompetent under the provisions of this act. Serve only one week in one year as petit jurors. Grand jurors not more than one term consecutively. Duty of court.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the sheriff of any county in this State, or any deputy sheriff, bailiff, or other officer, charged with the summoning of any jury, to accept or receive any sub- Duty of sheriff.

stitute for any person who may be drawn to serve, or whom he may be directed to summon as a juror, but such officer shall summon the very person who may be so drawn, or whom he may be directed to summon as a juror, and no other person; and shall accept no other person in the room or place of the person regularly drawn, or whose name may be in the list of jurors, whom he is directed to summon. Any person who shall be guilty of a violation of this section shall be, on conviction, fined in the sum of fifty dollars, to be recovered on motion before the circuit court of the county where the offence is committed, by the solicitor for the State, in the name of the State, on five days notice, one-half for the use of the county and the other half for the use of the solicitor.

Must not receive a substitute.

Penalty.

How recovered

SEC. 3. *Be it further enacted*, That the provisions of the first section of this act shall not apply to such persons as may be specially summoned to serve as jurors in a capital case, nor to jurors summoned to attend the coroner in his inquest, but shall be held to apply to all talesmen in civil and criminal cases, as well as to the regular panel of jurors, drawn or summoned to serve in the courts of this State, and to all juries which may be summoned to pass upon issues of fact in proceedings in the courts of probate and courts of chancery, and of justices of the peace.

Exceptions.

Not excepted.

SEC. 4. *Be it further enacted*, That whenever a jury is, by order of the court, kept together without separation, about the trial of any cause, during any night, or for an unusual length of time, it shall be the duty of the sheriff, with the approval of the court, at the expense of the county, to provide for the jurors suitable lodging and refreshments.

Duty of sheriff when jury kept together.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 15, 1875.

No. 85.]

AN ACT

To provide for trial of issue of facts without a jury in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That issue of fact in civil cases in any court of common law jurisdiction in this State, may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorney of record, file a stipulation in writing with the clerk of the court, waiving a jury, and in such case the finding of the court upon the facts, shall have the same effect as the verdict of a jury.

Issues of fact
in civil cases
tried without a
jury.

SEC. 2. *Be it further enacted,* That when trial by jury is waived, as provided by the first section of this act, it shall be the duty of the court upon the request of either party to make a special finding of the facts at issue between the parties, which shall be reduced to writing and entered upon the minutes of the court, and thereupon to render judgment between the parties as the law of the case may require. When such special finding is not so required of the court, a general or special finding may be made at the discretion of the court trying the same.

Court upon re-
quest of either
party makes a
special finding
of the facts.

SEC. 3. *Be it further enacted,* That the rulings in the admission or rejection of evidence, and in other matters of the court in the trial of the cause, may be excepted to by either party, and presented for review by the appellate court by a bill or bills of exceptions as now provided by law, and when the finding of the inferior court is special the review by the appellate court may also extend to an examination and determination of the sufficiency of the facts found by said inferior court to support the judgment rendered by said court.

Exceptions, &c

Approved March 6, 1875.

No. 86.]

AN ACT

To aid in the substitution of lost records.

SECTION 1. *Be it enacted by the Genral Assembly of Alabama,* That in the event that the record of any judgment, or decree, of any of the courts of this State shall

have been, or may be lost, or destroyed, the plaintiff or person interested therein, may have the same substituted under the laws of this State, against any surviving or resident defendant therein, upon whom he may effect service of notice, so as to have execution on such judgment against such surviving or resident defendant, in the usual way, any law to the contrary notwithstanding.

Proceedings
in substitution
of lost records.

Approved March 1, 1875.

No. 87.]

AN ACT

To authorize appeals to the supreme court in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter, from any decree rendered by the chancery court in term time, or by the chancellor in vacation, sustaining or overruling a demurrer to a bill in equity, or sustaining or overruling a plea to such bill, or sustaining or overruling a motion to dismiss such bill for want of equity, an appeal shall lie to the supreme court, to be taken within thirty days after the rendition of such decree; the said appeal shall be heard and determined by the supreme court in preference to all other cases than criminal cases, and if the decree of the chancellor is reversed the court shall render such decree as should have been rendered by the chancery court, or by the chancellor; *Provided*, That nothing in this act shall be so construed as to prevent an assignment of errors on said decrees, on appeals taken after the final determination of the cause, if appeals are not taken under this act.

Appeals in
certain cases.

Approved March 20, 1875.

No. 88.]

AN ACT

To prescribe the time of holding, and the terms of the supreme court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That after the next June term of the supreme

Regular sessions prescribed.

court, the regular session of said court shall commence on the first Tuesday in December in each year, and continue until the last day of the next July, Sundays excepted, and such adjournments not exceeding ten days, as said court may declare.

SEC. 2. *Be it further enacted*, That appeals may be taken to, and returnable on the first Tuesday of any month during the said session of said court, on ten days notice, and on the terms and conditions now prescribed by law.

Approved March 6, 1875.

No. 89.]

AN ACT

To require the reporter of the decisions of the supreme court of this State to furnish a synopsis of the points decided by said court.

Reporter furnishes to clerk synopsis of point decided.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the reporter of the decisions of the supreme court must, at the end of each week, while the court is in session, furnish the clerk of said court with a synopsis of the points decided in each case during the week.

SEC. 2. *Be it further enacted*, That section 667 of the Revised Code, which requires the judges of the supreme court to furnish such synopsis, be and the same is hereby repealed.

Approved December 17, 1874.

No. 90.]

AN ACT

To provide for the publication of the reports of the decisions of the supreme court.

Supreme court judges to contract for publishing reports

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judges of the supreme court may contract for the publication of the decisions of the said court, and it shall be lawful for them to transfer the proprietorship of each volume published to any suitable person who will publish the same, free of charge to the State, for such proprietorship; the style of such publi-

cation to be prescribed by said judges, and no volume shall contain less than all the cases decided at one term of the court, nor shall it contain less than six hundred pages, excluding title page, table of cases, index and any introductory matter which shall be inserted therein.

SEC. 2. *Be it further enacted*, That the person to whom the proprietorship of any volume of said reports may be transferred shall be required to deliver, immediately on the publication, two hundred and fifty copies thereof to the secretary of state, for the use and to be by him distributed as now required by law; and on the delivery thereof said secretary shall draw his warrant on the treasurer, to be countersigned by the auditor, for such sum as said judges may contract to pay therefor, not exceeding five dollars for each copy. Said secretary shall not make sale of any of said reports.

Copies delivered to sec'y of state.

SEC. 3. *Be it further enacted*, That if said judges can not contract for the publication of said decisions as contemplated in the first section of this act, the governor shall contract for the publication thereof as now required by law.

Judges failing, governor authorized to contract.

SEC. 4. *Be it further enacted*, That the judges of the supreme court may direct the omissions from publication all decisions merely reaffirming previous decisions, except that the title of such cases shall be published, with a brief note of the points decided, including a reference to the case or cases so reaffirmed, and such cases so reported shall be placed among the list of cases reported in full; and it is made the duty of the reporter to abridge and condense all briefs or arguments of counsel which may be published in said reports, reducing them to a mere abstract of the points made and the authorities cited.

Decisions re-affirm'g merely previous decisions omitted.

Reporter's duty.

SEC. 5. *Be it further enacted*, That the judges of said court may appoint an assistant reporter, or reporters, to report the decisions of said court since the June term, 1872, to, but not including, the January term, 1875, and which are now unpublished; *Provided*, That the compensation of such reporter shall not exceed five hundred dollars for each volume reported; *And provided further*, That a contract for the publication of said reports within the present year can be made.

May appoint ass't reporter.

Approved March 15, 1874.

No. 91.]

AN ACT

To regulate the trial of causes in the courts of chancery of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in the several chancery districts where the court of chancery sits for longer than one week, it shall be the duty of the chancellor presiding to call the docket of the term before he proceeds with any other business. This call shall not be peremptory, but when parties are ready for the trial of any cause, the same may be tried or submitted for decision. Upon the call, or at any time thereafter, it shall be competent for the chancellor, by agreement of the parties, to set causes down for hearing, argument, or trial, on such day of the term thereof as may be agreed upon, without waiting for a second call of the docket.

Docket to be called.

Not peremptory.

Causes set down by agreement.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved January 15, 1875.

No. 92.]

AN ACT

To regulate judicial sales made under decrees of chancery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter, when any property is ordered to be sold by the decree of any chancery court in this State, for the satisfaction of any debt secured by any mortgage or deed of trust, such sale shall in all cases be made by the register of the court ordering the same.

Sales made by register.

SEC. 2. *Be it further enacted,* That for making any such sale, when the property sells for more than twenty thousand dollars, the register shall not be allowed commissions on the amount of such sale as compensation, but he shall be allowed only such reasonable compensation in a gross sum for making such sale as the court may, on consideration of the facts, find to be fair and just.

Commissions of register.

Approved March 17, 1875.

No. 93.]

AN ACT

To provide for the revision of the rules of the chancery practice.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it is hereby made the duty of the judges of the supreme court, as soon after the passage of this act as they conveniently can, and from time to time thereafter, as the orderly transactions of the business of the courts of chancery may require, to revise the present rules of practice in the courts of chancery, and when the same require alteration or amendment, to alter or amend them, and in so doing the said judges will, so far as practicable, cause said rules to conform to the system of equity rules which has been or may be established for the courts of the United States; and said judges shall declare when the rules, so altered or amended, shall go into effect, and thereafter they shall be in full force till amended, altered or repealed by the said judges of the supreme court.

Duty as to revision of chancery practice by sup. court judges.

Approved February 8, 1875.

No. 94.]

AN ACT

To amend section two of "An act to confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age," approved March 17, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two of an act entitled "An act to confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age," which said section reads as follows, to-wit: "Sec. 2. Be it further enacted, That all petitions under this act shall be filed in the chancery court of the chancery district in which the parent or guardian of such minor resides when the petition is filed by the parent or guardian, and in the chancery court of the district where the said minor resides, when the peti-

Section recited

Amendment.

tion is filed by a minor who has no parent or guardian,"—be so amended as to read as follows, to-wit: Sec. 2. Be it further enacted, That all petitions under this act shall be filed in the chancery court of the chancery district in which the parent or guardian of such minor resides, when the petition is filed by the parent or guardian, and in the chancery court of the district where the said minor resides, when the petition is filed by a minor who has no parent or guardian, or whose parent or parents reside beyond the limits of the State.

SEC. 2. *Be it further enacted*, That said section two, as it now appears, be and the same is hereby repealed.

Approved February 19, 1875.

No. 95.]

AN ACT

To amend sections one and three of an act entitled "An act to confer upon the several Chancery Courts of this State power to declare married women free dealers," approved April 15, 1873.

Sec. 1 of act of April 15, 1873, recited. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to confer upon the several chancery courts of this State power to declare married women free dealers, which reads:

"Be it enacted by the General Assembly of Alabama, That the several chancery courts of this State are hereby authorized and empowered to relieve all married women of the disabilities of coverture as to their statutory or other separate estate so far as to invest them with the right to buy and sell, hold or convey real or personal property, and to sue and be sued as *femmes sole* in the following named cases:

"First—Whenever the wife, by her next friend, shall file her petition in such chancery court alleging her wish to become a *femme sole* for the purposes and to the extent herein above stated; and the husband shall in writing consent thereto.

"Second—Whenever the chancery court, upon such titution and proof taken, shall be of opinion that the a yer of the petitioner should be granted,"—be amended so as to read:

Be it enacted by the General Assembly of Alabama, That the several chancellors of this State, either in term time or in vacation, are hereby authorized and empowered to relieve married women of the disabilities of coverture as to their statutory and other separate estates so far as to invest them with the right to buy, sell, hold, convey and mortgage real and personal property, and to sue and be sued as *femmes sole*, whenever the wife, by her next friend, shall file her petition in the court of chancery for the district in which she resides, praying that she be decreed, for the purposes aforesaid, to be declared a *femme sole*; *Provided*, That on notice of such petition her husband shall in writing, filed in the cause and signed by him, express his assent thereto; and whenever, upon proof taken, as in other chancery causes, in case her husband does not in writing assent thereto within five days after service of notice of such petition upon him—in case he reside within the State, or if non-resident, does not so assent after publication as in other cases of non-resident defendants—it shall appear to the chancellor that the interests of the wife require that such petition should be granted.

Amendment.

Chancellors in vacation or term time may relieve married women as to separate estates so as to invest them with power to convey, &c.

Provided.

SEC. 2. *Be it further enacted*, That section three of said act, which reads as follows:

“Be it further enacted, That from and after the passage of this act no bill shall be presented to the general assembly to make any married woman a free dealer or invest her with the rights of a *femme sole* unless such application shall have been made to the chancery court, and in all such cases the application to the general assembly shall be accompanied by a certified transcript from the chancery court,”—be so amended as to read:

Sec. 3 of said act recited.

Be it further enacted, That from and after the passage of this act no bill shall be presented to the general assembly to make any married woman a free dealer or invest her with the rights of a free dealer unless such bill is accompanied with a transcript of the record from the chancery court of the district where the applicant resides, showing that application has been made to the court of chancery, as herein directed, and has been refused, and stating the reason for such refusal.

Amendment.

Approved February 10, 1875.

No. 96.]

AN ACT

In relation to estates of minors who reside with their parents in other States.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever the parent of any minor under twenty-one years of age, who has the legal custody of such minor, resides with such minor in another State, or removes with such minor from this State and becomes a resident of another State, the property of such minor in this State may be removed to the State of its residence by order of the probate or chancery court having local jurisdiction of the estate of such minor. But no such order of removal shall be made until a guardian for said minor in the State of its residence is appointed and duly qualified according to the laws of such State, and has given bond for the faithful performance of his trust, with approved sureties, in twice the value of the estate of such minor.

SEC. 2. *Be it further enacted,* That on the application of such foreign guardian, accompanied by a transcript of his appointment, bond and letters of guardianship, certified according to the act of congress, from the court in which he was appointed, the probate or chancery court having jurisdiction of the estate of such minor shall order the guardian of such minor in this State, or other person who has the control of the estate of such minor, to deliver the same to such foreign guardians. And the court shall state, audit and settle the accounts of the guardian of such minor in this State as if such minor had arrived at age, and either party may appeal from any decree rendered in such settlement as in other cases, and on the application of such foreign guardian, such court may order the sale of any real or personal property of such minor, but such sale must be reported to and confirmed by the court ordering the same.

Approved March 2, 1875.

No. 97.]

AN ACT

To provide for the transfer of trust estates in this State
to other States.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the chancery courts of this State shall have jurisdiction, either in term time or vacation, to order the transfer of any trust property from this State to any other State. Jurisdiction.

SEC. 2. *Be it further enacted,* That whenever any executor, guardian or any other trustee may desire the removal of any trust property, which he or they may represent, from this State to any other State, he shall file his petition in the chancery district in which such property is situated, setting forth a description of the property and the State to which such removal is desired, and that such removal would be to the interest of the *cestui que* trust, notice of which petition, and the time set for its hearing, must be executed as other chancery process upon the *cestui que* trust; if he be a resident of this State, at least ten days, or if he be a non-resident, by publication, as in other chancery cases, at least thirty days before the hearing of said petition. And if upon the final hearing of said petition the chancellor shall be satisfied by evidence to be submitted to him, either by parol testimony or depositions, that it would be to the interest of said *cestui que* trust or *cestuis que* trust to remove said property, he shall cause to be entered upon the minutes of such chancery court an order authorizing the removal of said property as desired in the petition; *Provided,* That before any such order for removal of the trust property is made, the chancellor must be satisfied by proof that sufficient security has been given in the State to which such removal is desired to protect the rights of all parties interested in the trust property. Petition filed in the district where the property is situated.

Approved January 19, 1875.

No. 98.]

AN ACT

To authorize trustees to make investment of trust funds beyond the State.

Authority of
chancery
courts as to
the investm't
of trust funds
beyond the
State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the chancery courts shall have power, and are hereby authorized, in term time or vacation, to authorize trustees to make investments beyond this State in cases where the *cestuis que* trust, or beneficiaries, reside without the State, on the following conditions :

Conditions
prescribed.

1st—That a petition must be filed in writing addressed to the chancellor, setting forth the reasons why he desires the authority to make the investment beyond the State, which petition must be sworn to.

2nd—The chancellor must set a day for hearing said application not less than ten days from the filing thereof, and personal notice must be given of the filing of said application, and the day appointed for hearing the same, to all adult persons interested in said trust estate, residing in this State, for at least five days before the day appointed for hearing the same, and any minor interested therein must be represented by a guardian *ad litem*. If any adult person interested in said estate resides out of this State, then the chancellor shall prescribe what notice shall be given to them, and in what manner. If, upon the hearing of said petition, the applicant shall produce evidence oral or written, satisfactory to the chancellor, that it would be beneficial to said trust estate to authorize an investment thereof beyond this State, and the chancellor is satisfied that it would not be detrimental to the interest of minors interested therein, he is authorized to grant said application, and empower the trustee to invest the trust funds beyond this State, and upon granting said application he must render his decree thereon in writing, which, with the petition, must be recorded, and all the papers relating thereto, filed in the chancery court of the district in which the applicant resides.

Approved March 17, 1875.

No. 99.]

AN ACT

To regulate proceedings in the probate and chancery courts, or other courts having chancery jurisdiction, when the estate of a deceased party must be represented and there is no executor or administrator of such estate, or such executor or administrator is interested adversely thereto.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all proceedings in the probate and chancery courts, and any other courts having chancery jurisdiction of this State, where the estate of a deceased person must be represented, and there is no executor or administrator of such estate, or the executor or administrator thereof is interested adversely thereto, it shall be the duty of the judge of the court in which such proceeding is had, to appoint a special administrator of such estate for the particular proceeding, and without requiring a bond of him; such appointment shall be made whenever the facts rendering it necessary shall appear in the record of such case, or shall be made known to the court by the affidavit of any person interested therein; *Provided,* That in such proceedings in the chancery court the register or the officer acting as such of such court, shall have authority to make such appointment in vacation.

SEC. 2. *Be it further enacted,* That whenever, in such proceedings, the estate represented by such special administrator, shall be entitled to a decree for the recovery of money, or for the possession of real or personal property, such decree shall be rendered in favor of such special administrator, for the use of such estate; and when such decree is for the recovery of money, and such estate has no executor or administrator, execution shall issue on such decree in favor of such special administrator for the use of such estate, and the amount thereof shall be paid by the officer collecting it, to the judge of the probate court or the register of the chancery court, or the officer acting as such, out of which such execution issued; *Provided,* That the party against whom such decree is rendered, may pay the amount thereof to such probate judge or register, before the issuance of such execution, and the receipt of such judge

Special administrator appointed where there is no executor or administrator, or where the interest of executor or administrator is adverse.

Decree shall be rendered in favor of special administrator for use of estate.

or register shall be a full discharge for the amount so paid.

No writ for enforcement of decree issued until some person is authorized by law to receive, &c.

SEC. 3. *Be it further enacted*, That where such estate has no executor or administrator, and such decree is for the recovery of real or personal property, no writ of possession, or other writ for the enforcement of such decree shall issue thereon, until there shall be some person or persons duly authorized under the laws of this State to receive the possession of such property, and then such writ shall issue in favor of such person or persons, out of the court in which such decree is rendered.

Proceedings when executor or administrator is adversely interested.

SEC. 4. *Be it further enacted*, That where such special administrator is appointed by reason of the executor or administrator of such estate being interested adversely thereto, and where such administrator or executor is the party against whom the decree hereinbefore provided for is rendered, no execution or writ of possession, or other writ for the enforcement of such decree, shall issue thereon, but the court in entering up such decree shall add an order that such executor or administrator charge himself, in his account with the estate represented by such special administrator, with the money and real and personal property so recovered of him by such special administrator for the use of such estate. But where such adversely interested executor or administrator is not the party against whom the decree is rendered in favor of such special administrator, execution or writ of possession, or other writ for the enforcement of such decree, shall issue thereon in favor of such adversely interested executor or administrator.

Duty of probate judge or register.

SEC. 5. *Be it further enacted*, That it shall be the duty of the probate judge or register in chancery, or the officer acting as such, receiving any money under the provisions of this act, to pay over the same, less one-half of one per cent. thereon as hereinafter provided, to the person entitled thereto, on demand, and for failure to do so he incurs a penalty in favor of the person entitled to the money of ten per cent. damages, which, together with the money received and interest thereon, may be recovered by suit on his bond.

Compensation

SEC. 6. *Be it further enacted*, That the probate judge or register in chancery, or other officer acting as such, is entitled, for receiving money under the provisions of this act, to one-half of one per cent. on the amount so received, to be retained by him out of such amount.

SEC. 7. *Be it further enacted*, That the special administrator appointed under the provisions of this act must be allowed for his services such compensation as the judge of the court appointing him may direct, to be taxed and collected as part of the costs of such proceeding, either out of the estate as represented by him, or out of the general fund administered in such proceedings, or out of any party to the cause who may be taxed therewith, as such judge shall direct.

Compensation
of special ad-
ministrator.

SEC. 8. *Be it further enacted*, That section 1998 of the Revised Code of Alabama be and the same is hereby repealed.

Approved March 17, 1875.

No. 100.]

AN ACT

To regulate trials in county courts in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county courts in the several counties in this State shall be open, at the discretion of the judges, any day during the week, except Sunday, for the trial of offenses coming within their jurisdiction, in all cases where the party or parties charged can not give bond and security for their appearance at the regular terms of said courts, or desire an immediate trial; and in such cases, causes may be continued for good cause shown, under the regulations governing the continuance of causes in justices courts; *Provided*, That nothing herein contained shall be so construed as to prevent or interfere with the regular terms of county courts.

County court
open at discre-
tion of judge.

For what pur-
pose.

Continuance.

Proviso.

Approved March 8, 1875.

No. 101.]

AN ACT

To provide for holding special terms of the circuit court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judges of the circuit courts of this State be and they are hereby authorized and empowered to hold special terms of the circuit court, in any county

Circuit judges
may hold spe-
cial terms.

When.

in their respective circuits, whenever in the opinion of the judge of the circuit in which such special term is held for any cause a special term is necessary.

Jurisdiction
and power.

SEC. 2. *Be it further enacted*, That the judge of the court at such special term shall have the same power, jurisdiction and authority to organize a grand jury, and to try and dispose of all causes that may come before said court, both civil and criminal, and to do and perform all the business of such court as at a regular term of such court; *Provided*, That at such special terms the business of the court shall be disposed of in the order the court may direct.

Notice of special term.

How given.

Limitation.

SEC. 3. *Be it further enacted*, That thirty days notice of such special term, and of the order in which the business thereof will be transacted, shall be given by advertisement in some paper in the county, and if none is published in the county in which such special term is to be held, then and in that event, in such paper as the judge may deem best; but no special term of any circuit court shall continue more than two weeks.

SEC. 4. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act are hereby repealed.

Approved February 3, 1875.

No. 102.]

AN ACT

To regulate the terms of the courts in the first judicial circuit.

Time for holding courts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of February, one thousand eight hundred and seventy-five, the circuit court of the first judicial circuit shall be held at the following times in the respective counties composing the same:

Perry.

(a) Commence in the county of Perry on the first Monday in March and September, and may continue five weeks.

Hale.

(b) Commence in the county of Hale on the fifth Monday after the first Monday in March and September, and may continue four weeks.

(c) Commence in the county of Bibb on the ninth ^{Bibb.} Monday after the first Monday in March and September, and may continue one week.

(d) Commence in the county of Dallas on the tenth ^{Dallas.} Monday after the first Monday in March and September, and may continue eight weeks.

SEC. 2. *Be it further enacted*, That the criminal docket ^{Criminal dock-} in the county of Perry shall be taken up on the third ^{et.} Monday of said court; in the county of Hale on the third Monday of said court; in the county of Bibb on Wednesday of the only week of said court; in the county of Dallas on the fifth Monday of said court.

SEC. 3. *Be it further enacted*, That all legal process ^{Return of pro-} returnable to the circuit court of the counties composing ^{cess.} this circuit shall be returnable to the terms of said court in accordance with the provisions of this act.

SEC. 4. *Be it further enacted*, That all laws and parts ^{Repeal.} of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 17, 1874.

No. 103.]

AN ACT

To regulate the terms of the courts in the first judicial circuit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter the circuit courts shall be held ^{Regulation of} each year in the county of Bibb on the second Monday ^{time for hold-} in March and September, and each term may continue ^{ing courts in} one week. ^{1st judicial cir-} ^{cuit.}

In the county of Perry on the third Monday in March and September, and each term may continue four weeks, and the criminal docket shall be taken up the third week of each term.

In the county of Hale on the fourth Monday after the third Monday in March and September, and each term may continue three weeks, and the criminal docket shall be taken up on Thursday of the second week of each term.

And in the county of Dallas on the second Monday after the third Monday in March and September, and the spring term may continue until the third Saturday

in August, and the fall term until the third Saturday in February, and the criminal docket shall be taken up the sixth week of each term, unless otherwise ordered by the judge of the circuit.

SEC. 2. *Be it further enacted*, That executions upon judgments hereafter rendered in the circuit court of Dallas shall issue within twenty days after the recovery thereof, whether the court be in session or not.

Special terms
for Dallas.

SEC. 3. *Be it further enacted*, That special or extra terms of the circuit court for the trial of criminal cases may be called and held in Dallas county, at the discretion of the circuit judge, and upon his giving at least twenty days notice thereof by publishing the same three times in some newspaper published in said county.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed as to the counties aforesaid.

Approved February 18, 1875.

No. 104.]

AN ACT

To fix the time of holding the circuit courts in the fourth judicial circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the times for holding the courts in the counties in the fourth judicial circuit of said State hereafter shall be as follows: In the county of Lauderdale on the first Mondays in March and September, and may continue two weeks; in the county of Colbert on the third Mondays in March and September, and may continue two weeks; in the county of Franklin on the first Monday after the fourth Mondays in March and September, and may continue one week; in the county of Lawrence on the second Monday after the fourth Mondays in March and September, and may continue two weeks; in the county of Morgan on the fourth Monday after the fourth Mondays in March and September, and may continue one week; in the county of Limestone on the fifth Monday after the fourth Mondays in March and September, and may continue until the business is disposed of.

Fixing time of
courts in 4th
circuit.

Lauderdale.

Colbert.

Franklin.

Lawrence.

Morgan.

Limestone.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in contravention of this act be and the same are hereby repealed.

Approved December 17, 1875.

No. 105.]

AN ACT

To fix the time of holding the Circuit Court in the Eighth Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit court for Henry county shall be holden on the first Monday in March and September, and continue two weeks; in the county of Dale on the third Monday in March and September, and continue one week; in the county of Geneva on the fourth Monday in March and September, and continue one week; in the county of Coffee on the first Monday after the fourth Monday in March and September, and continue one week; in the county of Pike on the second Monday after the fourth Monday in March and September, and continue two weeks; in the county of Bullock on the fourth Monday after the fourth Monday in March and September, and continue two weeks; and in the county of Barbour on the sixth Monday after the fourth Monday in March and September, and continue until the business is disposed of.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not go into effect and be of force until on and after the first day of July, 1875, after which time all the provisions of this act shall go into full force and effect.

Approved March 6, 1875.

To amend an act entitled “An act to prescribe the time of holding the Circuit Courts in the Tenth Judicial Circuit,” approved March 14, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled “An act to prescribe the time of holding the circuit courts in the tenth judicial circuit,” approved March 14, 1872, which reads as follows, to-wit:

Sec. 1 of act of
Mar. 14, 1872,
recited.

“Section 1. That the circuit courts of the tenth judicial circuit shall be held at the following times and places: For the county of Randolph, on the third Monday in February and August, and may continue one week; for the county of Clay, on the fourth Monday in February and August, and may continue one week; in the county of Talladega, on the first Monday in March and September, and may continue four weeks; for the county of Shelby, on the first Monday after the fourth Monday in March and September, and may continue two weeks; for the county of Coosa, on the third Monday after the fourth Monday in March, and may continue one week, and on the third Monday after the fourth Monday in September, and continue two weeks.

Sec. 2 recited.

“Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed,”—be and the same is hereby amended so as to read as follows, viz:

Amendment.

Section 1. Be it enacted by the General Assembly of Alabama, That the circuit courts of the tenth judicial circuit shall be held at the following times and places: For the county of Randolph, on the third Monday in February and August, and may continue one week; for the county of Clay, on the fourth Monday in February, and may continue one week, and on the fourth Monday in August, and may continue two weeks; in the county of Talladega, on the first Monday in March, and may continue four weeks, and on the second Monday in September, and may continue three weeks; in the county of Shelby, on the first Monday after the fourth Monday in March, and continue one week, and the first Monday after the fourth Monday in September, and may continue two weeks; in the county of Coosa, on the third Monday after the fourth Monday in March, and may

Randolph.

Clay.

Talladega.

Shelby.

Coosa.

continue one week, and on the third Monday after the fourth Monday in September, and may continue two weeks.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 20, 1875.

No. 107.]

AN ACT

To fix the times of holding the Circuit Courts in the Eleventh Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the several circuit courts of the eleventh judicial circuit shall be held as follows: In the county of Covington on the first Mondays of March and September, and may continue one week; in the county of Crenshaw on the second Mondays of March and September, and may continue two weeks; in the county of Escambia on the fourth Mondays of March and September, and may continue one week; in the county of Conecuh on the first Monday after the fourth Monday of March, and may continue two weeks, and on the first Monday after the fourth Monday of September, and may continue one week; in the county of Monroe on the fourth Monday after the fourth Monday of March, and may continue one week, and on the third Monday after the fourth Monday of September, and may continue two weeks; in the county of Wilcox on the fifth Monday after the fourth Mondays of March and September, and may continue four weeks; in the county of Butler on the ninth Monday after the fourth Mondays of March and September, and may continue until the business is disposed of.

SEC. 2. *Be it further enacted*, That all process returnable to the circuit courts of the respective counties composing said circuit shall be returnable to the terms of said courts as fixed by this act.

SEC. 3. *Be it further enacted*, That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 19, 1875.

No. 108.]

AN ACT

To provide for an additional term of the Circuit Court for Madison county.

Additional tthm
of the circuit
court for Mad-
ison county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of the circuit court for the fifty judicial circuit is hereby authorized and required, in addition to the regular terms now required by law, to hold terms of the said circuit court for the county of Madison, to commence on the first Monday after the fourth Monday in June, and continue until the business of said term is disposed of.

Duty of Judge

SEC. 2. *Be it further enacted,* That said judge, at said additional term of said circuit court, and at each successive term thereof, is required to take up, try or otherwise dispose of the cases on the criminal docket of said court. And said judge is not authorized to take up, try or otherwise dispose of any other than criminal cases; *Provided,* This act shall in no manner deprive any defendant under indictment in said court from having his cause taken up, tried or otherwise disposed of under a call of the criminal docket at the regular terms of said circuit court.

Approved February 25, 1875.

No. 109.]

AN ACT

To regulate and fix the terms of the Circuit Court of Shelby county.

Terms of cir-
cuit court of
Shelby county
prescribed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the approval of this act the circuit court of Shelby shall be held as follows, to-wit: The spring term shall commence on the first Monday after the fourth Monday in March, and continue one week; and the fall term shall commence on the first Monday after the fourth Monday in September, and continue two weeks.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 17, 1875.

No. 110.]

AN ACT

To change the times of holding the circuit courts of Lee and Russell counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the time of holding circuit court in each year in Russell county shall be on the seventh Mondays after the first Mondays in March and September, and may continue two weeks; and in the county of Lee on the ninth Mondays after the first Mondays in March and September and may continue three weeks.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 10, 1875.

No. 111.]

AN ACT

To authorize the judge of the ninth judicial circuit in the State of Alabama to hold a special term in Russell county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of the ninth judicial circuit in the State of Alabama, shall hold a special term of the circuit court for the county of Russell, in said circuit, to begin on the second Monday in January, 1875, and to continue for three weeks. Special term of circuit court prescribed.

SEC. 2. *Be it further enacted,* That said special term of the circuit court shall be held for the trial and disposal of all criminal and civil business left unfinished at the last regular term of said court; and said circuit court at said special term, is hereby invested with full, complete and plenary jurisdiction in and over all unfinished business, to the same extent and in the same manner as if said special term herein provided for, were a regular term of said court. Jurisdiction of said court.

SEC. 3. *Be it further enacted,* That it shall be the duty of the sheriff, judge of probate and clerk of the circuit court to draw a grand and special jury for the special term herein provided for, at least twenty days before the court. Duty of judge of probate, sheriff and clerk of circuit court.

day fixed for said special term, in the same manner, and under the same regulations as are now provided by law for the drawing of juries for regular terms of said court.

What causes
taken up at
special term.

SEC. 4. *Be it further enacted*, That at said special term the criminal docket shall be first taken up and disposed of. And that all recognizances, bail pieces and bonds for the appearance of parties, or for the performance of any other act or acts in or concerning any civil or criminal cause in said circuit court, are hereby made applicable and answerable to said special term.

What causes
stand for trial.

SEC. 5. *Be it further enacted*, That in all indictments heretofore found in said circuit court, and where the parties shall have been arrested before said special term or during the term thereof, the same shall stand for trial at said special term.

SEC. 6. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved December 11, 1874.

No. 112.]

AN ACT

Authorizing the judge of the circuit court of Dallas county to adopt rules of practice and to allow temporary adjournments of said circuit court.

Authority of
judge of Dal-
las circuit co't
to adopt rules
of practice.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the presiding judge of the circuit court of Dallas county shall have power to make and adopt such rules of practice, for the orderly conducting of the business of said circuit court as a proper system of city practice may require; and may amend the same from time to time as experience may suggest improvement and amendment, and the same shall be duly entered of record upon the minutes of said court in term time or vacation; *Provided*, The same may be altered or annulled by the supreme court.

SEC. 2. *Be it further enacted*, That there may be temporary adjournments of said circuit court of Dallas county during the term thereof, as may be deemed expedient and proper by the judge thereof.

Approved March 2, 1875.

No. 113.]

AN ACT

To extend the terms of the circuit court of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the terms of the circuit court of Dallas county are extended so that the fall terms thereof shall continue until the third Saturday in February. And the spring term thereof shall continue until the third Saturday in August, unless the business of the court is sooner disposed of. Terms of Dallas circuit co't extended.

SEC. 2. *Be it further enacted,* That said court may take one recess of ten days during each term.

Approved February 4, 1875.

No. 114.]

AN ACT

To amend an act entitled an act to regulate the session and practice of the circuit court of Clarke county, approved March 11, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the first section of the above entitled act, which reads as follows :

“Be it enacted by the General Assembly of Alabama, That hereafter the terms of the circuit court of Clarke county shall commence on the fourth Monday in March and September of each year and may continue two weeks if the business of the court shall so require,” Act recited.

—Be amended so as to read as follows :

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter the terms of the circuit court of Clarke county shall commence on the fourth Monday of March and September of each year, and may continue two weeks if the business of the court shall so require. But the pleadings must be made up under the laws and rules which obtain when the court sits but one week. Sessions and practice regulated.

Approved February 1, 1875.

No. 115.]

AN ACT

To regulate the practice in the city court of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all civil causes, tried and judgment rendered, in the city court of Montgomery, and no motion made and pending for the arrest of the judgment or for a new trial, nor an appeal taken to the supreme court, nor any injunction or other restraining process or order of any court of competent jurisdiction, for ten days after the rendition of said judgment, the clerk of said city court may issue execution in term time, returnable to the next term of said court, and it is his duty to do so upon the request entered upon the docket, signed by the party or his attorney of record, entitled to the execution; *Provided,* Nothing in this act shall prevent any party from making affidavit and having execution issued immediately as now provided for by law.

Execution may issue after ten days from rendition of judgment.

Proviso.

Petit jurors for first week of October and February terms may be dispensed with.

SEC. 2. *Be it further enacted,* That at the first week of the October and February terms of said court, the judge presiding may dispense with petit jurors for said first week of said terms, if in his judgment the public business will not suffer for want of such jurors, and upon timely and proper notice being given to the sheriff of Montgomery county, who, upon such notice, shall summon no petit jurors for that week of the term.

Nature of business to be disposed of during said weeks.

SEC. 3. *Be it further enacted,* That for said week of each of said terms, when no petit jurors are summoned, the court, unless adjourned under existing laws, shall sit for the dispatch of all such business as do not require a jury, shall sit, hear and dispose of motions, settle questions of law growing out of the pleadings, take judgments by default when pleas are withdrawn by consent, and hear any case not requiring a jury, call and set cases that do require a jury for subsequent days of the term; that when a petit jury is dispensed with as above; *Provided,* No jury trial shall be had for that week without the consent, entered of record, of all parties in interest or their attorney of record.

Approved March 15, 1875.

No. 116.]

AN ACT

To regulate the business to be transacted at the summer or July terms of the city court of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no jury trials shall be had at the summer or July terms of the city court of Montgomery, in civil cases, and no juries shall be summoned for the trial of civil causes at that term; *Provided,* That nothing herein shall prevent parties by consent, on the discretion of the presiding judge, from trying civil cases before jurors summoned for the trial of criminal cases.

Business of
July term of
Montgomery
city court pre-
scribed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 17, 1875.

No. 117.]

AN ACT

To authorize the transfer to the city court of Montgomery of causes pending in the circuit court for Montgomery county which the judge of said circuit court is incompetent to try under section 635 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any cause now or hereafter pending in the circuit court for Montgomery county, which the presiding judge of said circuit court, for the time being, may be incompetent to try, on any of the grounds specified in section 635 of the Revised Code, may be transferred to the city court of Montgomery, on the application of either party, and said circuit court is hereby authorized and required to order such transfer to be made on such application.

Causes in
which circuit
judge is in-
competent to
try transferr'd
to city court of
Montgomery.

SEC. 2. *Be it further enacted,* That it shall be the duty of the clerk of said circuit court, whenever such order is made, to deliver the original papers in such cause to the clerk of said city court, together with a certified transcript of all the minute entries made in such cause, and the cause shall be docketed by the clerk of said city court and stand for trial as if originally brought in said

Duty of circuit
clerk.

city court; *Provided*, That this act shall not apply to any cause of which said city court had not original jurisdiction.

Approved December 18, 1874.

No. 118.]

AN ACT

To amend the act entitled an act to amend the proceedings in the city court of Mobile, approved February 16, 1854.

All causes set for trial on particular days.
 SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the clerk of said court, with the solicitor, on the first day when the criminal docket is called, or on other days, to set all cases for trial on particular days of the term, and the witnesses shall be summoned to attend on such days.

Costs, how paid.
 SEC. 2. *Be it further enacted*, That the costs in all criminal cases where the defendants are convicted, and are insolvent, shall be payable out of the county treasury of Mobile county, the fines and forfeitures collected for the county being first liable to such payments.

SEC. 3. *Be it further enacted*, That the provisions of this section shall be applicable to cases tried at the October term of said court of this year, be and the same is hereby amended so as to read as follows:

Amendment.
 Sec. 2. *Be it further enacted*, That the costs in all criminal cases, where the defendants are convicted and are insolvent, and also all legal fees as specified in section 4339 of the Revised Code of Alabama, for receiving and discharging prisoners in all cases of commitment, in which the fees cannot be made out of said prisoners, shall be payable out of the general funds of the county treasury of Mobile county.

Sec. 3. *Be it further enacted*, That all laws and parts of laws conflicting with this act, be and the same are hereby repealed.

Approved March 18, 1875.

No. 119.]

AN ACT

To re-transfer the records of civil causes decided by the city court of Mobile from the circuit court to the city court of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the records of all civil causes, decided in the city court of Mobile, which, by the act entitled an act to transfer the records of civil causes from the city court to the circuit court of Mobile, approved February 14, 1870, have been or should be re-transferred to the office of the clerk of the said circuit court; shall be re-transferred to the office and custody of the clerk of the said city court of Mobile, to be by that officer kept, preserved, dealt with, and certified when required, the same in all respects as if the above entitled act, approved February 14, 1870, had never been passed.

Records of city court for Mobile transferred to circuit court.

Approved January 23, 1875.

No. 120.]

AN ACT

To abolish the Criminal Court for the county of Dallas, and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court, to the Circuit Court of Dallas county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the criminal court of said county of Dallas, in this State, be and the same is hereby abolished.

Criminal court abolished.

SEC. 2. *Be it further enacted,* That the circuit court of Dallas county, Alabama, shall have, take and exercise as full and complete jurisdiction of all indictments, warrants and prosecutions which have been brought in said criminal court for the county of Dallas, and which may be in any way still depending and undetermined in said criminal court, as if the said indictments, warrants or prosecutions had been brought or instituted in said circuit court of Dallas. And no causes, indictments, or other proceedings of any kind shall be discontinued by the abolition of said criminal court, but the circuit court of Dallas county shall take jurisdiction of all matters

Circuit court to have jurisdiction of all indictments, warrants and prosecutions pending in criminal court.

No discontin-
uance of caus's

Full jurisdic-
tion conferred
on circuit co'rt

which have not been fully and finally disposed of by said criminal court, and shall exercise jurisdiction and administer justice in the same manner and to the same extent as if such proceedings had been instituted and were still depending in the said circuit court, and the said circuit court and the judge thereof shall, as to all causes, have, exercise and take all the jurisdiction, powers and authority as the said criminal court or the judge thereof in the premises.

SEC. 3. *Be it further enacted*, That all process of any and every kind which have been issued from, or made returnable to, the said criminal court shall be returned to, and shall be considered and regarded as returnable to, the circuit court of Dallas county in the same manner and to the same extent as if the same had issued from and been made returnable to said circuit court, and all recognizances taken by or made recognizable by the said criminal court shall be taken and construed, and shall be enforced by the said circuit court as if taken by said court, or as if they had been made to said circuit court.

Jurisdiction of
criminal court
transferred to
circuit court.

SEC. 4. *Be it further enacted*, That all the general and special jurisdiction and authority which has been by law conferred upon the criminal court for the county of Dallas is hereby transferred to and conferred upon the circuit court of Dallas county, and the said circuit court of Dallas county is hereby authorized and required to take and exercise all the jurisdiction in all the matters in the said criminal court which the criminal court could have exercised if still in existence, and shall enforce all the rights and administer justice and enforce the penal statutes which the said criminal court could or should have done if its existence had continued.

Duty of clerk
of crim'l court
prescribed.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerk of the criminal court for the county of Dallas to deliver to the clerk of the circuit court of Dallas county all the dockets of the said criminal court of every kind, and all the papers of every kind, in all proceedings which have been brought or instituted in said criminal court since its organization to the time of such delivery, and he shall deliver over to the said clerk of said circuit court all the indictments, warrants, affidavits, which have been filed or returned into said criminal court from its organization, together with all the capiases issued, and all the bonds taken, and all other

papers connected with any and all criminal cases and proceedings from the organization of said criminal court, and all the records and minutes of said criminal court from the organization thereof to the time of delivery, and all other books and papers which appertain or belong to the said criminal court.

SEC. 6. *Be it further enacted*, That the clerk of the circuit court shall receive and keep all the dockets, records, minutes, papers and all other things which appertain to said criminal court, and the said clerk is hereby vested with authority to do and perform all acts and discharge all duties in regard to said records, dockets and papers so received by him from the clerk of said criminal court which the said clerk of said criminal court could or might do if the criminal court was still in existence, all the powers of the clerk of the criminal court while it existed being hereby conferred on the clerk of the circuit court of Dallas county, Alabama. Duty of clerk of circ't court

SEC. 7. *Be it further enacted*, That an act entitled "An act to establish a criminal court for the county of Dallas," approved February 23, 1870, be and the same is hereby repealed. Repealing section.

Approved February 5, 1875.

No. 121.]

AN ACT

To repeal an act to establish a criminal court for the county of Butler, with criminal and civil jurisdiction.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to establish a criminal court for the county of Butler, with criminal and civil jurisdiction," &c., approved on the fifth day of March, eighteen hundred and seventy-one, be and the same is hereby repealed, and that the criminal court of Butler county is, from and after the passage of this act, hereby abolished. Abolition of criminal court of Butler co.

SEC. 2. *Be it further enacted*, That it shall be forthwith the duty of the clerk of said criminal court of Butler county to deliver all dockets, papers, books, indictments and other matters in his hands pertaining to said court, or any cause or proceeding therein, to the clerk of the circuit court of said county, except the dockets, Duty of clerk of crim'l court

papers and proceedings in his possession pertaining to the monthly term of said court for the trial of misdemeanors, which he will deliver over to the probate judge of said county.

Causes trans-
ferred.

SEC. 3. *Be it further enacted*, That it shall be lawful for all causes, either civil or criminal, now pending in the criminal court of Butler county to be transferred to the circuit court of said county, and to be by the clerk of said circuit court entered upon the trial docket of the same, and to stand for trial at the first term of said court after said transfer. And it shall also be lawful for the clerk of the circuit court to issue writs of *capias* on all indictments found by a grand jury at any term of said criminal court of Butler county and delivered to him by the clerk of said court as hereinbefore provided.

Probate Judge
authorized to
try misde-
meanors.

SEC. 4. *Be it further enacted*, That it shall be lawful for the probate judge, as judge *ex-officio* of the county court, to try all misdemeanors now pending in the criminal court of Butler county at its monthly term, or made returnable to the same, and that all causes pending in said monthly term of said criminal court shall be transferred, together with the dockets, books and papers pertaining to the same from said criminal court to the county court of said county of Butler, and shall be entered upon the trial docket of said court by the judge thereof, and shall stand for trial at the first term of said court after said transfer.

Approved December 14, 1875.

No. 122.]

AN ACT

To transfer the powers and jurisdiction of the criminal court of Butler county, Alabama, together with all the records, books and papers belonging thereto, to the circuit court of Butler county, Alabama.

Jurisdiction
conferred on
circuit court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit court of Butler county, Alabama, shall have, take, and exercise as full and complete jurisdiction of all matters, both civil and criminal, which were commenced in the criminal court of Butler county, Alabama, and were in any way still pending and unde-

terminated in said criminal court on the fourteenth day of December, eighteen hundred and seventy-four, as if the said causes or matters had been commenced or instituted in the said circuit court of Butler county; and no causes, indictments, or other proceedings of any kind, shall be discontinued by the abolition of the said criminal court, and no rights of person or property be destroyed thereby, or by the provisions of this act.

SEC. 2. *Be it further enacted*, That all process of any and every kind which has been issued from, or made returnable to, the said criminal court of Butler county, shall be returned to, and shall be considered and regarded, as returnable to the circuit court of Butler county, in the same manner and to the same extent as if such process had issued from and been made returnable to the said circuit court, and all executions, writs, and other process heretofore issued from said criminal court and made returnable to the February term, eighteen hundred and seventy-five, of said criminal court, shall be returned to, and shall be considered and regarded as returnable to the next term of the circuit court of Butler county, Alabama; and all recognizances taken by, or made cognizable by the said criminal court, shall be taken and construed and shall be enforced by the said circuit court, as if taken by or made to said circuit court.

Process to be
return'd to the
circuit court.

SEC. 3. *Be it further enacted*, That the circuit court of Butler county is hereby authorized and required to take and exercise as full and complete jurisdiction of all matters in said criminal court, or in any manner pertaining thereto, as the said criminal court could have exercised if its existence had been continued.

Jurisdiction.

SEC. 4. *Be it further enacted*, That the clerk of the circuit court of Butler county shall receive and keep all the dockets, records, minutes and papers belonging to the criminal court, or in any wise pertaining thereto, and the said dockets, records, minutes and papers are hereby transferred to and made a part of the records and papers of said circuit court; and the clerk of the said circuit court is hereby authorized and required to exercise the same powers and to perform the same duties as to all matters pending in and pertaining to said criminal court as the clerk of said criminal court could or ought to do if said court were still in existence.

Duties and
powers of cir-
cuit clerk.

SEC. 5. *Be it further enacted*, That the court of county commissioners of Butler county is hereby authorized to

Compensation.

allow to the clerk of the circuit court of Butler county such compensation, for the extra labor required of him by this act, as to the said court may seem just and proper.

Approved January 26, 1875.

No. 123.]

AN ACT

To repeal an act entitled "An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction," approved January 27th, 1872.

Repealing act. **SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction," approved January 27, 1872, be and the same is hereby repealed; *Provided,* That all the records of civil and criminal causes now pending in said court, together with all books, papers and files pertaining to such civil and criminal causes, shall be transferred by the clerk of said criminal court to the office of the clerk of the circuit court of Bullock county; that all persons who are required by any bail bond, or order of said criminal court, to appear at the next term thereof, shall be required to appear at the next term of the circuit court of Bullock county; and that this act shall not be construed as a dismissal or discontinuance of any cause or prosecution on the docket of said criminal court, but all such cases shall be triable in the circuit court of Bullock county as fully as if they had been originally instituted in said circuit court; *Provided further,* That such records, books, papers, and files so transferred by the clerk of said criminal court, to the office of the clerk of the circuit court of Bullock county, shall in all respects be taken, held and located as records of said circuit court, and that all proceedings arising or hereafter to arise in, upon, or in relation to any judgment rendered in said criminal court, or upon any bail bond given in said criminal court, shall be had in said circuit court the same in all respects as if the causes in which said judgments were rendered or bail bonds given had been originally commenced in said circuit court of Bullock county.

Records transferred to circuit court of Bullock co.

SEC. 2. *Be it further enacted*, That the fines and forfeitures originating from said criminal court of Bullock county be consolidated with the general fund of the county, and that all fees and costs due the officers of said court, to-wit: clerk, sheriff, and county solicitor, payable out of said fine and forfeiture fund, be paid out of the general fund of said county of Bullock, under the same rules and regulations governing other claims against the county.

Approved January 15, 1875.

No. 124.]

AN ACT

To repeal an act entitled "An act to establish a city court for the county of Lee, with criminal and civil jurisdiction."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to establish a city court for the county of Lee, with criminal and civil jurisdiction," approved on the 20th of March, 1873, be and the same is hereby repealed, and that the city court of Lee is hereby abolished. Criminal court abolished.

SEC. 2. *Be it further enacted*, That it shall be forth- with the duty of the clerk of said city court of Lee county to deliver all dockets, papers, books, indictments, records, and other matters in his hands pertaining to said court, or any cause or proceeding therein, to the clerk of the circuit court of said county. Duty of clerk of said court.

SEC. 3. *Be it further enacted*, That it shall be lawful for all causes, either civil or criminal, now pending in the city court of Lee county to be transferred to the circuit court of said county, with full jurisdiction of the same, and to be by the clerk of said circuit court entered upon the trial docket of same, and to stand for trial at the first term of said court after said transfer; and it shall also be lawful for the clerk of the circuit court to issue writs of *capias* on all indictments found by a grand jury at any term of said city court of Lee county and delivered to him by the clerk of said city court as heretofore provided; *Provided*, That this act shall take effect on and after the 11th day of November, 1875. Causes transferred to circuit court.

Approved February 17, 1875.

No. 125.]

AN ACT

To number the chancery district of Conecuh county, and to transfer the business of Escambia county from the county of Butler to Conecuh county.

Conecuh 9th district and Escambia made part thereof. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the chancery district of Conecuh county shall be called the ninth district of the southern chancery division of Alabama, and that the county of Escambia be added to and form a part of said district.

Term of Conecuh court fixed. SEC. 2. *Be it further enacted,* That the court of said district shall be held as heretofore at the court house of Conecuh county on the fourth Mondays in February and August in each year, and shall continue three days when necessary.

Register of Butler required to deliver papers in certain cases. SEC. 3. *Be it further enacted,* That on demand of the register of said ninth district, or any one interested, the register of the chancery court of Butler county shall deliver to the register in chancery in said ninth district, upon his executing proper receipts therefor, all papers and documents pertaining to causes existing against any resident of Escambia county, and the court of said new district shall have full jurisdiction of said causes and parties thereto.

Approved February 1, 1875.

No. 126.]

AN ACT

To amend section two of an act to regulate the chancery courts in the fifth district, of the southern chancery division of the State of Alabama, approved December 16, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two (2) of an act, entitled an act to regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama, approved December 16, 1871, which reads as follows:

Sec. 2 of act of Dec. 16, 1871, recited. "Sec. 2. *Be it further enacted,* That the chancellor shall begin and hold his court for the county of Crenshaw at Rutledge, on the third Monday in February, and in August in each year, and continue two days.

For the county of Covington, on Thursday after the third Monday in February and in August in each year, at Andalusia, and continue two days.

For Conecuh county on the fourth Monday in February and August in each year, at Evergreen, and continue two days.

For Butler county on Thursday after the fourth Monday in February and August in each year at Greenville, and continue until all the business of the term has been disposed of."

—Be and the same is hereby amended so as to read as follows : Amendment.

"Sec. 2. Be it further enacted, That the chancellor shall begin and hold his court for the county of Crenshaw, at Rutledge, on the third Monday in February and August in each year, and continue two days. Crenshaw.

For the county of Covington on Thursday after the third Monday in February and August in each year, at Andalusia, and continue two days. Covington.

For Conecuh county on the fourth Monday in February and August in each year, at Evergreen, and continue two days. Conecuh.

For Butler county on the third Monday after the fourth Monday in March and September in each year, at Greenville, and to continue two weeks." Butler.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved January 29, 1875.

No. 127.]

AN ACT

To establish the thirteenth (13th) chancery district of the northern chancery division.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a new chancery district be and the same is hereby created out of the county of Winston, to be known as the thirteenth chancery district of the northern chancery division of the State of Alabama. Winston made 13 district northern division.

SEC. 2. *Be it further enacted*, That there shall be one term in each and every year of the chancery court of said division held for said district, at the court house, Term.

Notice of time
by register.

in the town of Houston, in said county, at such time as the chancellor may direct; that the register shall give at least thirty days notice of the time fixed by the chancellor for the commencement of the first term of said court, and of the length of term thereof, as fixed by the chancellor, by publication in a newspaper, if there be a newspaper published in said county, if not, then in the newspaper published nearest to said county seat, and also by notice posted at the court house door in said town of Houston.

Register ap-
pointed by
chancellor.

SEC. 3. *Be it further enacted*, That the chancellor shall appoint one register for said district, who shall have his office at the court house in said town, whose duties shall be the same as those now required by law of registers in chancery in this State, and who shall qualify in all respects before entering upon the duties of his office, as other registers are now required to do by the laws of this State.

Register of 3d
district requir-
ed to turnover
papers, &c.

SEC. 4. *Be it further enacted*, That the register of the third (3d) district of said division, be and he is hereby required to turn over to the register of the said thirteenth district, all the books, papers, files, together with a complete transcript of the rules, orders, minutes and docket entries in all the chancery business belonging to said thirteenth district, composed of said county of Winston, and take his receipt therefor and for the bills of cost due him.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 6, 1875.

No. 128.]

AN ACT

To amend sections one and two of an act to create the eleventh chancery district of the northern chancery division, approved December 17, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections one and two of an act, entitled an act to create the eleventh chancery district of the northern chancery division, approved December 17, 1873, which reads as follows:

Section 1. Be it enacted by the General Assembly of Alabama, That a new chancery district be and the same is hereby created out of the county of Morgan, to be known as the eleventh chancery district of the northern chancery division of the State of Alabama. Sec recited.

Sec. 2. Be it further enacted, That there shall be one term of the chancery court of said division held for said district, at the court house, in the town of Somerville, in said county, on the first Monday in February in each year, and may continue one week, Sec recited.

—Be and the same are amended so as to read as follows:

Section 1. Be it enacted by the General Assembly of Alabama, That a new chancery district be and the same is hereby created out of the county of Morgan, to be known as the twelfth chancery district of the northern chancery division of the State of Alabama. Amendment.

Sec. 2. Be it further enacted, That there shall be held annually two terms of the chancery court for said district, at the court house, in the town of Somerville, in said county, commencing on the third Monday after the fourth Monday in March and on the third Monday after the fourth Monday in September, and may continue one week each term. Amendment.

Sec. 3. Be it further enacted, That sections one and two, as the same now read in the published acts of the general assembly, are hereby repealed.

Approved January 29, 1875.

No. 129.]

AN ACT

To separate the county of Walker from the Western Chancery Division and attach it to the Northern Chancery Division of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county of Walker be and it is hereby separated from the western chancery division and attached to the northern chancery division of the State of Alabama, to be known and styled the eleventh (11) district of said northern division. Walker transferred from western to north'n chancery division.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force as law to all intents and purposes

immediately after its passage, and approval by the governor.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved January 14, 1875.

No. 130.]

AN ACT

To fix the time of holding the Chancery Court in the Eleventh District of the Northern Chancery Division of the State of Alabama, composed of the county of Walker.

Time and place fixed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery court for the eleventh district of the northern chancery division of the State of Alabama, composed of the county of Walker, shall be held at the court-house, in the town of Jasper, in said county of Walker, on the first Monday in August of each year, and may continue four days, and on Thursday after the first Monday in February of each year, and may continue three days.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved January 14, 1875.

No. 131.]

AN ACT

To detach the Chancery District composed of the county of Shelby from the Middle Chancery Division, and attach such district to the Eastern Chancery Division.

Shelby attached to eastern division.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery division composed of the county of Shelby be taken and detached from the middle chancery division, and the same is hereby attached to and is made a part of the eastern chancery division.

SEC. 2. *Be it further enacted*, That all laws and parts

of laws contravening the provisions of this act be and the same are hereby repealed.

Approved January 26, 1875.

No. 132.]

AN ACT

To prescribe the time of holding the Chancery Court of the Chancery District composed of the county of Shelby, in the Eastern Chancery Division of this State, and to number said district.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery court for the chancery district composed of the county of Shelby, in the eastern chancery division of this State, shall be held at the court-house of said county of Shelby, at such time as the chancellor of said eastern chancery division shall prescribe, at least two terms in each year, which terms of said chancery court may continue one week each, and that such chancellor shall number said district, and that the register in chancery for said county of Shelby shall give notice of the time so prescribed for holding said court by publication in the "Shelby Guide," a newspaper published in said county of Shelby, for at least thirty days before the holding of said terms of said court. Chancellor must number district. Notice.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved February 23, 1875.

No. 133.]

AN ACT

To detach the Chancery District composed of the county of Coosa from the Middle Chancery Division, and attach such district to the Eastern Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery district composed of the county of Coosa be taken and detached from the mid- Coosa attach'd to east'n chancery division.

dle chancery division, and the same is hereby attached to and made a part of the eastern chancery division.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 134.]

AN ACT

To prescribe the time of holding the Chancery Court of the Chancery District composed of the county of Coosa, in the Eastern Chancery Division of this State, and to number said district.

Two terms annually at such time as chancellor may prescribe.

Notice to be given.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery court for the chancery district composed of the county of Coosa, in the eastern chancery division of the State of Alabama, shall be held in said county, at such time as the chancellor of said eastern chancery division shall prescribe, at least two terms in each year, which terms of said chancery court may continue one week each, and that said chancellor shall number said district, and that the register in chancery for said county of Coosa shall give notice of the time so prescribed for holding said court, by publication in such manner as said chancellor may direct, for at least thirty days before the holding of said term of said court.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 135.]

AN ACT

To prescribe the time of holding the Chancery Courts of the Third District of the Eastern Chancery Division, composed of Randolph county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery court of the third district

of the eastern chancery division of the State of Alabama, composed of the county of Randolph, shall be held at the court-house of said county by the chancellor of the eastern chancery division of the State of Alabama, not more than two terms each year, which shall be held at such time as said chancellor may designate, and may continue in session such time as said chancellor may designate.

Time and place prescribed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved February 23, 1875.

No. 136.]

AN ACT

To amend an act entitled "An act to fix the time of holding the chancery court for the first district of the western chancery division of Alabama," approved February 1, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of the above recited act, which reads as follows, to-wit: "Be it enacted by the General Assembly of Alabama, That two terms of the chancery court for the first district of the western chancery division of Alabama, composed of the county of Clarke, shall be held annually, the first commencing on the third Monday in May, and the second on the first Monday in December, to continue three days each,"—be amended so as to read as follows: That two terms of the chancery court for the county of Clarke, in the western chancery division, shall be held annually; the first commencing on the third Monday in May, and the second on Wednesday after the first Monday in November, and continue three days each.

Section recited

Amendment.

Clarke.

Approved February 1, 1875.

No. 137.]

AN ACT

To remove the county of Tuscaloosa from the western chancery division to the middle chancery division of the State, and to fix the time of holding the courts therein.

Tuscaloosa annexed to middle division.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county of Tuscaloosa, now in the western chancery division of the State, be and is hereby removed from said division and be annexed to the middle chancery division of the State.

Fifth district.

Terms.

SEC. 2. *Be it further enacted,* That said county of Tuscaloosa shall constitute the fifth chancery district of said middle division, and the time of holding courts therein shall be, respectively, on the second Mondays after the fourth Monday in the months of April and October, to be held at Tuscaloosa in said county, and may continue one week.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 11, 1875.

No. 138.]

AN ACT

To separate the county of Hale from the western chancery division and annex the same to the middle chancery division, and to provide for the holding of courts therein.

Hale co. made part of middle chancery division.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county of Hale be and the same is hereby separated from the western chancery division and annexed to and made part of the middle chancery division; *Provided,* That nothing herein contained is intended or shall be construed to interfere with or to deprive the Hon. Anthony W. Dillard, the present chancellor of said western chancery division, of his right to have and continue his residence and citizenship in said county of Marengo.

SEC. 2. *Be it further enacted,* That the county of Hale

shall constitute the fourteenth district of said middle division, and there shall be held two terms of the court therein annually, to commence on the tenth Monday after the fourth Monday in April, and continue one week, and on the eleventh Monday after the fourth Monday in October, and continue three weeks.

Constit'te 14th district.

Approved March 20, 1875.

No. 139.]

AN ACT

To relieve guardians from giving bond and security in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That a father by his last will and testament may appoint a guardian or guardians for his minor children, and relieve such guardian or guardians from giving bond and security; but the judge of probate of the court in which the will is probated may disregard such provisions in the will, and require bond and security, if he be of the opinion that the interest of the minors is unsafe in the hands of such guardian without bond and security; *And provided further,* That upon application of a minor, by a next friend, the judge of probate may require bond and security, and in the event the same be not given to the satisfaction of the judge, within a time to be by him prescribed, such guardian shall be removed and another person appointed in his stead, who shall proceed to bring the removed guardian to an account according to the existing laws.

Guardian may be appointed under will and relieved of giving bond.

Bond may be required.

Renewal.

Approved March 20, 1875.

No. 140.]

AN ACT

To provide for a change of venue in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever the judge of any circuit court, or chancellor of any division in this State, is incompetent to try any case standing for trial, by reason of relationship to parties or of having been of counsel in the

When incompetent venue changed.

cause, or for any other reason, it shall be the duty of such judge, or chancellor, on the application of either party to the suit, if it be a civil action, or on the application of the solicitor representing the State or of the defendant, if a criminal action, either in term time or vacation, to make an order upon the minutes of such court transferring said cause to the nearest court of like character, presided over by a different judge or chancellor, unless the said parties agree upon a different court, in which event, the transfer shall be made to that court.

Upon application of party in civil suit, or solicitor or defendant in criminal.

Transferred to nearest court with different judge or chancellor.

Clerk or register must transfer papers, &c.

Parties may nominate attorney to try cause.

SEC. 2. *Be it further enacted*, That upon such order being made, the clerk, or register, of such court shall transfer at once to the clerk, or register, of the designated court all of the original papers, together with a certified transcript of all the docket and minute entries in the case, and the court to which said cause is transferred shall proceed to hear and determine the same, as if it had originated in that court; *Provided, however*, This act shall not be so construed as to prevent the parties to any suit from nominating some attorney of said court to try the cause, as provided by sections 712 and 758 of the Revised Code of Alabama.

Approved January 26, 1875.

No. 141.]

AN ACT

To prohibit probate judges, clerks of the circuit court, and registers in chancery from receiving any fees or allowances out of the county treasury for services rendered in keeping direct and reversed indexes of all books and records in their respective offices.

Fees for keeping index prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That probate judges, clerks of the circuit court and registers in chancery of this State be and they are hereby forever prohibited from receiving any fees or allowances out of the county treasury of their respective counties, for services rendered or hereafter to be rendered in keeping direct and reversed indexes to all books and records required by law to be kept in their respective offices.

SEC. 2. *Be it further enacted*, That all laws and

parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 8, 1875.

No. 142.]

AN ACT

To prohibit judges of the probate courts of this State from appointing certain persons therein named as guardians ad litem.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for the judges of the probate courts of this State to appoint as guardian *ad litem* any clerk, employe, or any person connected with their said offices, or any person connected by consanguinity or marriage with the said judges of probate. Prob'te judges not to appoint cert'in persons guardians & d litem.

SEC. 2. *Be it further enacted,* That any judge of any probate court of this State who shall violate the provisions of the first section of this act shall be guilty of a misdemeanor, and shall be fined fifty dollars for each violation thereof.

Sec. 3. *Be it further enacted,* That all laws and parts of laws contravening this act be and the same are hereby repealed.

Approved December 1, 1874.

No. 143.]

AN ACT

To compel probate judges, clerks of the circuit court and registers in chancery of this State to keep direct and reversed indexes of all books and records required by law to be kept in their inspection offices.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if any probate judge, clerk of the circuit court or register in chancery in this State shall fail or refuse to keep direct and reversed indexes of all books and records in his office as now required by law to be kept, shall be guilty of a misdemeanor, and on conviction Failure or refusal to keep direct and reverse index a misdemeanor.

Penalty.

tion shall be fined in a sum not more than five hundred dollars.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 18, 1874.

No. 144.]

AN ACT

To compel sheriffs, clerks of the circuit court and registers in chancery having moneys in their hands subject to further order of court, to pay the same over to their successors in office.

Sheriffs, cl'rks and registers to pay over to successors on demand all moneys held by them subject to the order or decree of court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any sheriff, clerk of the circuit court or register in chancery having in his hands at the expiration of his official term any moneys held by him subject to the further orders or decrees or judgments of any court, shall, on demand of his successor in office, pay over the same to such successor, and on such payment shall be discharged of, and from all, further liability therefor.

Failure to pay over a misdemeanor.

SEC. 2. *Be it further enacted*, That any sheriff, clerk of the circuit court or register in chancery failing on demand to pay over such moneys to his successor, is hereby declared guilty of a misdemeanor for every such failure, and on conviction thereof shall be fined not less than fifty nor more than five hundred dollars for each and every offense. But nothing in this act shall at all affect or impair any civil right or remedy which any person or party may have against any defaulting officer named in this act, nor any power by summary process or otherwise which any court may have or possess over any of said officers to enforce the discharge of their duties in respect to moneys in their possession in their official character.

Approved February 19, 1875.

No. 145.]

AN ACT

To declare the effect upon prosecutions then pending of the repeal of statutes authorizing such prosecutions.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no prosecution for the recovery of any penalty, or the enforcement of any forfeiture, or the punishment of any crime under any penal act or statute, or under any statutes authorizing such punishment, shall be in any manner affected by the repeal of such act or statute, but such prosecution shall be carried on to a final judgment and execution, the same in all respects as if such act or acts, statute or statutes, had not been repealed, but were continued in full force, any law, decision or usage to the contrary notwithstanding.

Declaring effect of repeal of an act upon pending prosecutions.

Approved March 17, 1875.

No. 146.]

AN ACT

In relation to trials for misdemeanors in Tuscaloosa and other counties therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county court of Tuscaloosa county have concurrent jurisdiction with the circuit court for the trials of all misdemeanors, except violations of the revenue law of this State; *Provided,* That the clerk of the circuit court shall be the clerk of the county court, and shall do and perform all such acts as may be required of him by law as the clerk thereof, and shall receive all such fees as are now or may be allowed him for such services as clerk of the circuit court.

Jurisdiction of county court.

Clerk of circ't court clerk of county court.

His fees.

SEC. 2. *Be it further enacted,* That it shall be the duty of the judge of the circuit court presiding at the term of said court in the county aforesaid to enter and order upon the minutes of said court, upon the day of adjournment thereof, directing and requiring the clerk of the circuit court to deliver to the judge of said county court all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, except violations of the revenue law, together with all papers and a certified copy of all

Judge directs circuit clerk to deliver indictments, &c., to county court.

In what cases.

docket entries and minutes of proceedings had therein in said circuit court, and upon the transfer and delivery of the same the jurisdiction of said circuit court shall cease, except in cases of appeals hereinafter provided for, and exclusive jurisdiction thereof shall vest in said county court.

Defend'nt may demand trial by jury. SEC. 3. *Be it further enacted*, That any person charged with the commission of a misdemeanor shall be entitled to a trial by jury upon a demand therefor, made before the trial is begun, but in all other cases no jury shall be be empannelled, and the judge of said county court shall proceed to hear and decide the same; *Provided*, That nothing herein contained shall in any manner interfere with the right of the accused to appeal after conviction to the circuit court for said county.

May appeal.

Sheriff to summon jury. SEC. 4. *Be it further enacted*, That whenever a person accused of a misdemeanor shall demand a jury, as provided for in this act, it shall be the duty of the judge of said county court to order the sheriff of said county to summon instantly twenty-four free-holders or householders of said county, from whom shall be selected a jury for the trial of such alleged offender, and such accused person shall have the same right of challenge as is now provided by law for like offenses in the circuit court; *Provided*, That tales jurymen may in like manner be summoned in all cases when found necessary by the court trying the cause.

Number.

Right of challenge.

Talesman.

Applied to other counties. SEC. 5. *Be it further enacted*, That the provisions of this act be and the same are hereby held to apply to the counties of Dallas, Bullock, Greene, Macon, Marion, Sandford, Wilcox, Perry, Clarke, Washington and Butler.

Repealing section. SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 19, 1875.

No. 147.]

AN ACT

To make the value of property stolen in cases of conviction for larceny, part of the costs in such cases, and to provide for the collection or payment thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the proven value of property stolen, in all cases of conviction for the crime of larceny, shall be and is hereby constituted and made an item of the costs in all such cases; *Provided,* That the value of such property has not been returned or the value thereof paid to the owner. Value of stolen property made part of costs. Proviso.

SEC. 2. *Be it further enacted,* That whenever the costs in such cases, including the value of the property stolen; are paid, or the same are worked out at hard labor, the court of county commissioners of the county in which said conviction is had, shall, upon a proper showing and proof made, allow and draw a warrant on the county treasury in favor of the owner of such property for the amount or value thereof, to be paid out of the fund arising from the proceeds of hard labor, in the county treasury. Amount to be paid to owner.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 19, 1875.

No. 148.]

AN ACT

To prevent any one from knowingly, willfully and without the consent of the owner, taking and conveying away the timber or rails upon any lands within this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person or persons who knowingly, willfully and without the consent of the owner thereof, shall enter upon the lands of any other person or persons in this State, and shall cut and haul or carry off any portion of the timber of said lands, or the rails upon said lands, with the intention of converting the same to his or their own use, shall, if said timber or rails be Penalty for taking any timber or rails without consent of owner of lands.

of the value of twenty-five dollars or more, be guilty of grand larceny, and if said timber or rails be of the value of less than twenty-five dollars, said offender or offenders shall be guilty of petit larceny, and shall be punished accordingly, and in like manner as they have committed grand or petit larceny.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 8, 1875.

No. 149.]

AN ACT

To prevent the burning of any car, train of cars, car shed, cotton house, cotton pen or corn pen.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who shall willfully set fire to, or burn any car, train of cars, car shed, cotton house, cotton pen containing cotton, or corn pen containing corn, shall be guilty of arson in the second degree, and must, on conviction, be punished by imprisonment in the penitentiary, or hard labor for the county, for not less than two nor more than ten years.

Penalty for
burning car,
car train, shed,
cotton house,
or corn pen.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 10, 1875.

No. 150.]

AN ACT

To prohibit keepers of billiard tables on, or connected with, premises where liquor is sold from knowingly permitting minors to play on such tables.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person who is the owner or keeper of a saloon in which vinous, spirituous, or other intoxicating liquors, are kept for sale, having a billiard table connected therewith, whether under the same roof or not, on which the public can play, whether for pay or not, to knowingly permit any minor to play

Offense defin-
ed.

thereon, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and subject to be indicted therefor, and upon conviction to be ^{Penalty.} fined in a sum not less than fifty dollars, and to stand committed till the fine and cost are paid, or secured, and the solicitor's fee, upon a conviction, shall be twenty-five dollars.

Approved March 11, 1875.

No. 151.]

AN ACT

To create and provide for the punishment of the crime of seduction.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any man who, by means of temptations, deceptions, arts, flattery, or a promise of marriage, ^{Seduction.} seduces any unmarried female in this State, shall be deemed guilty of a misdemeanor, and on conviction, shall be ^{A misdemeanor.} fined not less than one thousand dollars, and may also ^{Penalty.} be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months, one or both, at the discretion of the court trying the same; *Provided, however,* That no conviction shall be ^{Evidence.} had under this act on the uncorroborated testimony of the female upon whom such seduction is charged.

Approved March 15, 1875.

No. 152.]

AN ACT

To punish the crime of perjury at municipal elections.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if any person shall willfully and corrupt- ^{Offense defined.} ly take any oath required by law, at any municipal election in this State, the same being false, shall be deemed guilty of perjury, and on conviction thereof shall be ^{Penalty.} punished by imprisonment in the penitentiary not less than one nor more than three years; *Provided, That* ^{Proviso.} this act shall not apply to an election held under any

law wherein provision is now made for the punishment of perjury at such elections.

Approved March 6, 1875.

No. 153.]

AN ACT

To prevent the use of abusive, insulting or vulgar language in the presence of families and females.

Made a misdemeanor.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if any person enters into the dwelling house of another, or upon the curtilage thereof, or upon the public highway near such premises, and in the presence of the family of the owner or possessor thereof, or of any member of his family, or of any female, and makes use of abusive, insulting or vulgar language, he shall be deemed guilty of a misdemeanor, and must, on conviction thereof, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than thirty days, at the discretion of the jury trying the same.

Approved March 15, 1875.

No. 154.]

AN ACT

To prevent solicitors from commencing prosecutions by affidavits made by themselves.

Unlawful for solicitors to commence any prosecution by his own affidavit, certain cases excepted.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter it shall not be lawful for any solicitor to commence any prosecution for any criminal offense by his own affidavit, except for an offense against his person or his property, or the affidavit be upon his personal knowledge of the commission of the offense charged; except for violation of the revenue laws of the State.

SEC. 2. *Be it further enacted,* That any solicitor offending against the provisions of this act shall, on conviction, be fined not less than fifty dollars.

Approved February 10, 1875.

No. 155.]

AN ACT

To provide for the administration of the criminal laws, by suspension of solicitors and the appointment of solicitors *pro tem.* when necessary.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That when it shall be made known to any circuit or city court that an indictment or indictments are pending against the person who is acting as solicitor of the county in which the court is held, the court must make an order suspending such solicitor; and the solicitor so suspended shall not act as solicitor until such order of suspension shall be set aside. Court to suspend solicitor when indictment pending.

SEC. 2. *Be it further enacted,* That when any solicitor is suspended, the said court shall appoint a solicitor *pro tempore*, who shall perform the duties of the office of solicitor, and receive the fees and emoluments thereof, from such appointment until the original order suspending the solicitor (against whom an indictment was pending) shall be set aside. Court appoints solicitor pro tem.

SEC. 3. *Be it further enacted,* That when it shall be known to the court that there is no indictment pending in the court in which such indictment was found, or in any court to which a cause may have been removed by change of venue, against a solicitor who has been suspended under this act, the order suspending such solicitor shall be set aside. When suspension set aside.

Approved March 2, 1875.

No. 156.]

AN ACT

To prohibit the disposing of agricultural products between the hours of sunset and sunrise.

WHEREAS, it is a duty of paramount importance that the general assembly of Alabama should provide adequate protection to the agricultural interests of the State; and whereas, the depredations committed, in the way of petty thefts, have been carried so far as to demand prompt and vigorous measures for their suppression; and whereas, in the opinion of this general Preamble.

assembly, no adequate remedy can be found, except by regulations of general application controlling the hours of trade; therefore—

Sale of certain
agricultural
products with-
in certain ho'rs
prohibited.

Penalty.

Exceptions.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who shall buy, sell, receive, barter, or dispose of any cotton, corn, wheat, oats, peas, or potatoes, after the hour of sunset and before the hour of sunrise of the next succeeding day, shall be guilty of a misdemeanor, and on conviction shall be fined not less ten nor more than five hundred dollars, and may also be imprisoned in the county jail, or put to hard labor for the county, for not more than twelve months.

SEC. 2. *Be it further enacted,* That this act shall not affect the right of municipal corporations to establish and regulate, under their charters, public markets within their limits for the sale of commodities for culinary purposes, nor the right of any proprietor or owner of any plantation or premises to sell on such plantation or premises the necessary grain and provisions for subsistence of man and beast for the night to traveling or transient persons, or for the use of agricultural laborers in his own employment on such plantation or premises.

Approved February 20, 1875.

No. 154.]

AN ACT

To punish county superintendents of education for embezzlement.

Embezzlement
of public mon-
ey or property
punished as if
stolen.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any county superintendent of education to whom any money or property has been delivered as county superintendent of education, who embezzles, or fraudulently converts to his own use such money or property, or any part thereof, must be punished, on conviction, as if he had stolen it, and shall forfeit his office.

Approved January 23, 1875.

No. 158.]

AN ACT

To prevent excessive charges by railroad companies.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any officer, manager, or agent of any railroad company, lessee, association or corporation, managing or operating any railroad in this State, who violates the provisions of an act entitled "An act regulating the charges for transportation of freight upon railroads within this State," approved April 19, 1873, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars for each offense.

Approved March 17, 1875.

No. 159.]

AN ACT

To repeal an act entitled "An act to regulate the confinement and discharge of persons charged with misdemeanors," approved December 17, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to regulate the confinement and discharge of persons charged with misdemeanors," approved December 17, 1873, be and the same is hereby repealed; *Provided*, This act shall not affect any proceedings now pending, or any bonds or recognizance heretofore taken under the provisions of the above named act. But the same shall remain and have operation as if said act had not been repealed; *Provided further*, This act shall not be operative for thirty days after its approval. Repeal.
Proviso.

Approved February 15, 1875.

No. 160.]

AN ACT

To real an act entitled "An act to suppress murder, lynching and assaults and batteries," approved December 28, 1868.

Repeal.

SECTION 1. *Be it enacted by the General Aseembly of Alabama,* That an act entitled "An act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, be and the same is hereby repealed.

Approved December 14, 1874.

No. 161.]

AN ACT

To repeal "An act to protect the planters of this State from imposition in the sale of fertilizers," approved March 18, 1871.

Repealing act.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act entitled "An act to protect the planters of this State from imposition in the sale of fertilizers," approved March 8, 1871, be and the same is hereby repealed.

Approved December 14, 1874.

No. 162.]

AN ACT

To amend section 665 of the Revised Code.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 665 of the Revised Code of Alabama, which reads as follows: "§ 665 (573). *When all but one incompetent.*—In any cause or proceeding in said court, when any two of the judges are disqualified from sitting, the other judge must hear such cause, and if of opinion that the judgment should be affirmed, his judgment is of the same force and effect as if it were the judgment of a majority of the court; but if of opinion that the judgment should be reversed, he must certify the same to the governor, who must associate with him two circuit judges or two chancellors for the decision of

such cause ; and such three judges must hear and determine the same,"—be and the same is hereby amended by adding thereto, at the end thereof, the following :

In any cause or proceeding in the supreme court of Alabama, when only one of the judges is disqualified from sitting, the other two judges must hear such cause, and if they are divided in opinion upon the question whether the judgment or decree should be affirmed or reversed, they must certify such decision to the governor, who must direct a commission to one of the circuit judges or chancellors to hear and determine such cause in connection with the two competent judges of the supreme court ; and the circuit judge or chancellor so commissioned, in connection with the two competent or qualified judges of the supreme court, must hear and determine such cause, and the judgment of a majority of them must be entered of record as other judgments or decrees of said supreme court, and must have the same force and effect.

Approved December 17, 1874.

No. 163.]

AN ACT

To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same shall more fully conform to the provisions of article 6, section 15, of the Constitution of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 720 of the Revised Code of Alabama, which is in the following words, to-wit :

"Register, appointment, removal, term.—A register in chancery for each district is appointed by the chancellor of the respective divisions, who holds his office for four years, unless removed by the chancellor for misbehavior, malpractice or negligence, and in such cases the reasons for such removal must be entered upon the minutes at the court at which the removal is made, or if not in term time, of the first court thereafter,"—be enlarged and amended so as to read as follows :

§ 720 (616). *Register, appointment, removal, term.*—A register in chancery for each district is appointed by

Amendment.

the chancellor of the respective divisions, who holds the office for four years, but the chancellor of the court in whose division the register has been or may be appointed, may in term time or vacation remove any such register for ineligibility or disqualification, whether existing at the time of such register's appointment or that may have accrued afterwards, or for misbehavior, malpractice or negligence, and in case of such removal the reasons for the removal must be entered on the minutes at the court at which the removal is made, or if not in term time, of the first court thereafter.

Old section repealed.

SEC. 2. *Be it further enacted*, That section 720 of the Revised Code, as it stood before the passage of this act, be and the same is hereby repealed.

Approved January 26, 1875.

No. 164.]

AN ACT

To amend section 859 of the Revised Code.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 859 of the Revised Code, which is in the following words and figures to-wit: "§ 859 (727). The presiding judge, when the solicitor is absent, or when he is connected with the party against whom it is his duty to appear, by consanguinity or affinity within the fourth degree, must appoint a competent attorney to act in his place,"—be and the same is hereby amended

Amendment.

so as to read as follows: § 859 (727). The presiding judge, when the solicitor is absent, or when he is connected with the party against whom it is his duty to appear, by consanguinity or affinity within the fourth degree, or when, in the opinion of the judge, there is any other good cause for the appointment, must appoint a competent attorney to act in the solicitor's place.

SEC. 2. *Be it further enacted*, That section 859 of the Revised Code, as it now stands in said Code, be and the same is hereby repealed.

Approved February 27, 1875.

No. 165.]

AN ACT

To amend section 934 (799) of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 934 (799) of the Revised Code of Alabama, which is in the figures and words following, to-wit: “§ 934 (799). Compensation of Treasurer; Form of Accounts.—The county treasurers receive such compensation as may be allowed by the court of county commissioners, in no case exceeding five per cent. on the money paid out by them,”—be and the same is hereby amended so as to read as follows: § 934 (799). Compensation of Treasurer.—The county treasurers receive such compensation as may be allowed by the court of county commissioners, in no case exceeding five per cent. on the money paid out by them, and in no case exceeding the aggregate sum of one thousand dollars in any one year. Section recited
Amendment.

SEC. 2. *Be it further enacted,* That said section 934 (799) of the Revised Code, be and the same is hereby repealed.

Approved March 11, 1875.

No. 166.]

AN ACT

To amend section 1143 of the Revised Code,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one thousand one hundred and forty-three of the Revised Code of Alabama, which is in these words, to-wit: “§ 1143 (913). Notice of sailing to be given to pilot.—The master of a vessel in readiness to leave must, if practicable, give notice to the pilot who conducted his vessel in, of his intention to leave. Where personal notice can not be given, the following is a substitute: vessel lying in the lower bay must hoist a jack at the foremast head, twenty-four hours before leaving. All vessels going down from Mobile shall bring the north end of Dauphin Island to bear west before they are allowed to employ any other pilot or pilots than those who conducted them in,”—be amended by adding thereto, at the end of said section, these words: And if Section recited
Amendment.

said master of a vessel shall fail or neglect to give said notice, in the manner herein required, to such pilot, or shall decline the services of such pilot when offered, or shall decline or refuse the services of another pilot when tendered at the place and according to the provisions of this section, then the said master and the said ship or vessel and owners shall be liable and bound to pay to such pilot one-half the rate of pilotage allowed for a vessel of such draft; *Provided*, This section shall not apply to vessels trading between the ports of Mobile, New Orleans, and Pensacola.

SEC. 2. *Be it further enacted*, That said section one thousand one hundred and forty-three, as it now stands in said Revised Code, be and the same is hereby repealed.

Approved March 17, 1875.

No. 167.]

AN ACT

To amend section 1386 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1386 of the Revised Code of Alabama, which reads as follows, to-wit: "On application for ferries, when the banks on each side belong to the same person, he is entitled to the prior right of establishing a ferry; when the banks belong to different persons, the court may grant the license, at its election, to either of such owners making the application,"—be and the same is hereby amended so as to read as follows, to-wit: On application for ferries, where the banks on each side belong to the same person, he is entitled to the prior right of establishing a ferry; when the banks belong to different persons, the court may grant the license, at its election, to either of such owners making the application; but should any person, not the owner of the land on either bank of the river where it is proposed to establish a ferry, make application for a license, he shall be required to produce before the court a statement in writing from the owner thereof, saying he is not an applicant for such license; *Provided*, No license for a ferry shall be granted until thirty days notice of the

Section recited

Amendment.

intended application shall have been given, by notice posted at the court-house door and at three other public places in the county, two of which shall be in the immediate vicinity where it is proposed to establish such ferry, and if the river is the dividing line between two counties, then said notice shall be posted in both counties; and where the application is made in a county where the owner of the land resides, personal notice shall be given to him; *And provided*, Such license for a ferry shall be granted only at the crossing of a river at a point where a public road has been established.

SEC. 2. *Be it further enacted*, That section 1386 of the Revised Code, as it now stands, be and the same is hereby repealed.

Approved February 19, 1875.

No. 168.]

AN ACT

To amend subdivision three of section 1985 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That subdivision three of section nineteen hundred and eighty-five of the Revised Code, which is in the following words and figures: "Sec. 3. Where the intestate, not being an inhabitant of the State, dies out of the county, leaving no assets therein,"—be amended so as to read as follows: 3. When the intestate, not being an inhabitant of the State, dies out of the county, leaving assets therein. Section recited
Amendment.

SEC. 2. *Be it further enacted*, That said subdivision three of section nineteen hundred and eighty-five of the Revised Code, as it now stands, be and the same is hereby repealed. Repealing section.

Approved March 20, 1875.

No. 169.]

AN ACT

To amend section 2354 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2354 of the Revised Code, which
 Section recited is as follows: "§ 2354 (1964). Mode of proceeding in divorce suits.—The proceeding must in all respects be conducted as other suits in chancery, except as herein otherwise directed. The cause for which the divorce is sought must be alleged in the bill, to which the other party must be made a defendant, and if a non-resident, publication must be made as in other chancery suits,"—
 Amendment. be amended by adding thereto the following words: And in making his decree in the cause the chancellor shall, as the evidence and the nature of the case may warrant, direct whether the party against whom the decree of divorce is made be permitted to marry again or not, and where, in decrees now or hereafter rendered, no order is made allowing or disallowing the divorced party to marry again, it shall be competent for the chancellor, upon petition and proper proof, to allow or disallow the petitioner to marry again, as justice may seem to require.

SEC. 2. *Be it further enacted,* That said section 2354, as it is now printed in the Revised Code, be and the same is hereby repealed.

Approved February 10, 1875.

No. 170.]

AN ACT

To amend section 2376 of the Revised Code of Alabama, so as to make it apply to contracts for tuition of children.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section twenty-three hundred and seventy-six (2376), which reads as follows: "§2376. The wife's estate liable for the support of the family.—For all contracts for articles of comfort and support of the household suitable to the degree and condition in life of the family, and for which the husband would be responsible at common law, the separate estate of the wife is liable; to be enforced by action at law against the hus-"
 Section recited

band alone, or against the husband and wife jointly,"—
 be amended so as to read as follows: § 2376. The wife's
 estate liable for the support of the family.—For all con- Amendment.
 tracts for articles of comfort and support of the house-
 hold suitable to the degree and condition in life of the
 family, and for which the husband would be responsible
 at common law; and for tuition of children of the wife,
 and for which the husband would be responsible at com-
 mon law, the separate estate of the wife is liable; to be
 enforced by action at law against the husband alone, or
 against the husband and wife jointly.

Approved January 23, 1875.

No. 171.]

AN ACT

To amend sections 2421 and 2440 of the Revised Code
 of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2421 of the Revised Code of Alabama, which is in the words and figures as follows: "§ 2421 (2022). Must make annual settlements.—He Section recited
 must make annual settlements of his accounts with the judge of probate, and oftener if required by the court, which, with the accompanying vouchers, when audited and allowed, must be recorded,"—be so amended as to read as follows: § 2421 (2022). Must make settlement Amendment.
 every three years.—He must make settlement every three years of his accounts with the judge of probate; and may be made at any time upon the application to the probate court, by the next friend, or any person connected with said ward, or by any person interested in said settlement; but such application must show satisfactory cause for ordering such settlement, and in case the probate judge refuses on such application to order a settlement, the costs of such application must be adjudged against the applicant, and such settlement, with the accompanying vouchers, when audited and allowed, must be recorded.

SEC. 2. *Be it further enacted,* That section 2440 of the Revised Code, which is in the words and figures following: "§ 2440 (2030). Citations to guardian to make set- Section recited
 tlement; he is removed if he does not appear, etc.—If

Amendment.

guardians do not come forward annually and make settlement of their accounts, it is the duty of the probate judge to cause citation to be served on them to appear and make settlement, and upon their refusal or neglect to make such settlement, it is the duty of the court to remove them from office, unless good cause be shown for the omission,"—be so amended as to read as follows: "2440 (2030). Citation to guardians to make settlement; he is removed if he does not appear, etc.—If the guardians do not come forward once in every three years and make settlement of their accounts, it is the duty of the probate judge to cause a citation to be served on them to appear and make settlement, and upon their refusal or neglect to make such settlement, it is the duty of the court to remove them from office, unless good cause be shown for the omission.

Approved February 15, 1875.

No. 172.]

AN ACT

To amend section 2704 of the Revised Code.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2704 of the Revised Code of Alabama, which reads as follows, to-wit: "§ 2704. Competency, as affected by interest.—In suits and proceedings before any court or officer, other than criminal cases, there must be no exclusion of any witness because he is a party, or interested in the issue tried, except that in suits or proceedings by or against executors or administrators, (as to which a different rule is not made by the laws of this State,) neither party shall be allowed to testify against the other as to any transaction with, or statement by, the testator or intestate, unless called to testify thereto by the opposite party,"—be and the same is hereby amended so as to read as follows, to-wit: § 2704. Competency, as affected by interest.—In suits and proceedings before any court or officer, other than criminal cases, there must be no exclusion of any witness because he is a party, or interested in the issue tried, except that neither party shall be allowed to testify against the other, as to any transaction with, or statement by, any deceased person whose estate is interested in the result of such

Amendment.

suit, or when such deceased person at the time of such statement or transaction acted in any representative or fiduciary relation whatsoever to the party against whom such testimony is sought to be introduced.

SEC. 2. *Be it further enacted*, That section 2704 (2302a), as it now stands in print in the Revised Code, be and the same is hereby repealed.

Approved March 2, 1875.

No. 173.]

AN ACT

To amend section 2925 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2925 of the Revised Code of Alabama, which is as follows: "§ 2925 (2501). No limitation to action on notes put in circulation as money.—The provisions of this chapter do not apply to actions to enforce payment of bills, notes, or other evidences of debt issued or put into circulation as money,"—be amended so as to read: § 2925 (2501). No limitation to action on notes put in circulation as money.—The provisions of this chapter do not apply to actions to enforce payment of bills, notes, or other evidences of debt issued or put in circulation as money, but when such issue or circulation is made by any bank or corporation under authority of law in this State, and such bank or corporation has ceased or shall cease to do business, or has been or shall be put in liquidation by judgment or decree of any court, or otherwise, then the bills, notes, or other evidences of debt issued or put in circulation as money by said bank or corporation must be presented for payment within two years after publication of the notice herein required, or the same shall be barred of payment out of the assets of said bank or corporation. This section applies as well to banks and corporations which are now in course of liquidation, as to such as may hereafter be placed in liquidation. But before this limitation shall begin to run, the agent, assignee or commissioner, or other person charged with winding up the affairs of such bank or corporation, must give notice to the holders of the issue of such bank or corporation, to present the same for payment, by advertisement in some

newspaper published in the city or town where such bank or corporation was located, for the space of thirty days.

SEC. 2. *Be it further enacted*, That section 2529, as it now stands in the Revised Code, is hereby repealed.

Approved December 2, 1874.

No. 174.]

AN ACT

To amend sections 2961 and 2962 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections two thousand nine hundred and sixty-one of the Revised Code, which is in words and figures as follows, to-wit :

Section recited

“§ 2961 (2533). *Landlord has a lien on the crops for the year's rent.*—A landlord has a lien on the crop grown on rented land for rent for the current year, and is entitled to process of attachment for the recovery of the same, to be issued by any one of the officers named in section 2929 (2505) in the following cases, whether the rent be due or not at the time the attachment is sued out :

“1. When the tenant is about to remove the crop from the premises without paying the rent.

“2. When he has removed it, or any portion thereof, without the consent of the landlord,”—be so amended as to read :

Amendment.

§ 2961 (2533). *Landlord has a lien on the crop for the year's rent.*—A landlord, his assignee or other *bona fide* owner of the amount due for rent, has a lien on the crop grown on rented land for rent for the current year, and is entitled to process of attachment for the recovery of the same, to be issued by any one of the officers named in section 2929 (2505), in the following cases, whether the rent is due or not at the time the attachment is sued out :

1. When the tenant is about to remove the crop from the premises without paying the rent.

2. When he has removed it, or any portion thereof, without the consent of the landlord.

SEC. 2. *Be it further enacted*, That section two thousand nine hundred and sixty-two, which is in words and figures as follows, to-wit :

"§ 2062 (2534). *Attachment to collect rent.*—Affidavit in writing being made of one of these facts by the landlord, his agent or attorney; also, that the amount claimed is or will be due for rent, or will be the value of the portion of the crop agreed to be received as rent, and bond being given, with surety and with condition, as in other cases of attachment, process of attachment must issue as in other cases,"—be so amended as to read:

Section recited

§ 2962 (2534). *Attachment to collect rent.*—Affidavit in writing being made of one of these facts by the landlord, his assignee or the *bona fide* owner of the amount due for rent, or will be the value of the portion of the crop agreed to be received as rent, and bond being given, with surety and with condition as in other cases of attachment, process of attachment must issue as in other cases.

Amendment.

SEC. 3. *Be it further enacted,* That sections two thousand nine hundred and sixty-one and two thousand nine hundred and sixty-two, as they are now in the Revised Code, be and the same are hereby repealed.

Approved March 18, 1875.

No. 175.]

AN ACT

To amend section 3439 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3439 of the Revised Code, which reads as follows:

"§ 3439 (2984). *Appeals may be taken to the Supreme Court on such orders.*—An appeal lies to the supreme court on all interlocutory orders, in term time or vacation, sustaining or dissolving injunctions, which must be heard and determined at the first term after the appeal is taken,"—be and the same is hereby amended so as to read as follows:

Section recited

§ 3439 (2984). *Appeals may be taken to the Supreme Court on such orders.*—An appeal lies to the supreme court on all interlocutory orders, in term time or vacation, sustaining or dissolving injunctions, which must be heard and determined at the first term after the appeal is taken, or if the supreme court is in session when such

Amendment.

appeal is or has been taken, then the same shall be heard during said session, at least three days notice of appeal having been first given to the adverse party.

SEC. 2. *Be it further enacted*, That section 3439 of the Revised Code, as it now stands, be and the same is hereby repealed.

Approved March 6, 1875.

No. 176.]

AN ACT

To amend section 3490 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3490 of the Revised Code of Alabama, which reads as follows, to-wit:

Section recited

"§ 3490 (3020). If the decree be for the performance of an act other than the payment of money, the chancellor or register fixes the bond; when the decree rendered is for the performance of any other act than the payment of money [except in cases otherwise provided by this code], the party wishing to supersede the execution of such decree must apply to the register or chancellor, either in term time or vacation, who must direct the amount and the condition of the appeal bond,"—be and the same is hereby so amended as to read as follows:

Amendment.

§ 3490 (3020). If the decree or judgment be for anything other than the payment of money, the chancellor, or register, or judge fixes the bond; when the decree rendered in chancery is for the performance of any other act than the payment of money [except in cases otherwise provided by this code], or where the judgment at law is rendered for the recovery or possession of real property, or any interest therein, or the recovery or possession of any personal property [except in cases otherwise provided by this code], the party wishing to supersede the execution of such decree or judgment, as the case may be, must, in the former case, apply to the chancellor or register, either in term time or vacation, within the time allowed by law for such appeal, who must direct the amount and the condition of the appeal bond; in the latter case to the judge of the court wherein such judgment from which an appeal is desired was

rendered, in term time or vacation, within the time allowed by law for such appeal, who must direct the amount and the condition of the appeal bond. In all cases of appeal allowed by this section the order of the chancellor, register or judge must be entered on the minute book of the court.

Approved March 2, 1875.

No. 177.]

AN ACT

To amend section 3613 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3613 of the Revised Code, which reads as follows :

“§ 3613 (72). Disturbing females at public assembly by profanity, etc.—Any person who by rude or indecent behavior, or by profane or obscene language, willfully disturbs the females in any public assembly, met for the purpose of instruction, amusement or recreation, must, on conviction, be fined not less than twenty nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months,”—be so amended as to read as follows :

§ 3613 (72). Disturbing females at public assembly or traveling upon common carriers, by profanity, etc.—Any person who by rude and indecent behavior, or by profane or obscene language, willfully disturbs any female or females in any public assembly, met for the purpose of instruction, amusement or recreation, or any female or females traveling upon any railroad car, steamboat or other common carrier, must, on conviction, be fined not less than twenty dollars nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

SEC. 2. *Be it further enacted,* That said section 3613, as it now stands, be and the same is hereby repealed.

Approved March 20, 1875.

No. 178.]

AN ACT

To amend section 3695 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three thousand six hundred and ninety-five of the Revised Code of Alabama, which reads as follows, to-wit:

Section recited

“§ 3695 (149). Burglary.—Any person who, either in the night or day time, with intent to steal or to commit a felony, breaks into and enters a dwelling-house, or any building within the curtilage of a dwelling-house, though not forming a part thereof; or into any store, shop, warehouse or other building in which any goods, merchandise or other valuable thing is kept for use, sale or deposit, is guilty of burglary, and must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county for not less than two nor more than twenty years,”—be and the same is hereby amended so as to read as follows, to-wit:

Amendment

§ 3695 (149). Burglary.—Any person who, either in the night or day time, with intent to steal or to commit a felony, breaks into and enters a dwelling-house, or any building, structure or inclosure within the curtilage of a dwelling-house, though not forming a part thereof; or into any shop, store, warehouse or other building, structure or inclosure in which any goods, merchandise or other valuable thing is kept for use, sale or deposit, provided such structure or inclosure other than a shop, store, warehouse or building, is specially constructed or made to keep such goods, merchandise or other valuable thing, is guilty of burglary, and must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than one nor more than twenty years; *Provided*, This act shall not go into effect until six months after the approval of the same.

Approved March 6, 1875.

No. 179.]

AN ACT

To amend section 3705 (159) of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3705 (159) of the Revised Code, which is in words and figures as follows, viz :

“§ 3705 (159). Removing mortgaged property.—Any ^{Section recited} person who removes any personal property, with the intent to carry the same out of this State for the purpose of hindering, delaying or defrauding any person who has a claim thereto under a written instrument, and with the knowledge of the existence thereof, must, on conviction, be fined not less than five hundred nor more than two thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months,”—be and the same is hereby amended so as to read as follows, to-wit:

§ 3705 (159). Removing, selling or buying property to ^{Amendment.} which others have a claim.—Any person who removes, conceals or sells any personal property for the purpose of hindering, delaying or defrauding any person who has a claim thereto under any written instrument, lien created by law for rent or advances, or any other lawful or valid claim, verbal or written, with a knowledge of the existence thereof; or if any person or persons buy, receive or conceal any such property with such knowledge of the existence of any such claim, with like intent, upon conviction thereof, he or they shall be punished as though he or they had stolen the same.

SEC. 2. *Be it further enacted,* That section 3705 (159), as it now stands, be and the same is hereby repealed.

Approved February 13, 1875.

No. 180.]

AN ACT

To amend section 3706 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three thousand seven hundred and six of the Revised Code of Alabama, which reads as follows, to-wit :

Section recited "§ 3706 (160). Grand larceny.—Any person who steals any horse, mare, gelding, colt, filly or mule, and any person who steals any personal property other than that hereinbefore enumerated exceeding one hundred dollars in value, is guilty of grand larceny, and must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than five years,"—be and the same is hereby amended so as to read as follows, to-wit :

Amendment. § 3706 (160). Grand larceny.—Any person who steals any horse, mare, gelding, colt, filly, mule, jack, jenny, cow, or animal of the cow kind, hog, sheep, goat, or any part of any outstanding crop of corn or cotton, and any person who steals any personal property other than that hereinbefore enumerated exceeding twenty-five dollars in value, is guilty of grand larceny, and must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than five years. .

Approved February 20, 1875.

No. 181.]

AN ACT

To amend section 3735 of the Revised Code.

Section recited SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three thousand seven hundred and thirty-five of the Revised Code, which reads as follows: "§ 3735 (188). Breaking fences, &c. ; casting adrift boats, &c.—Any person who unlawfully or maliciously breaks, throws down, or destroys any fence or other enclosure, the property of another, or breaks, cuts off, or carries away from its mooring or landing, any ferry-boat, flat-boat, canoe, or other vessel, the property of another, must, on conviction, be fined not less than twenty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months,"—be and is hereby amended so as to read as follows, to-wit : § 3735 (188). Breaking fences, &c. ; casting adrift boats, &c.—Any person who unlawfully, or maliciously, or negligently breaks, throws down, or destroys any fence or other enclosure, the property of another, and who fails to imme-

Amendment.

diately repair such break or breaks, and negligently leaving such break unrepaired, or breaks, cuts off, or carries away from its mooring or landing any ferry-boat, flat-boat, canoe, or other vessel, the property of another, must, on conviction, be fined not less than twenty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Approved February 13, 1875.

No. 182.]

AN ACT

To amend section 4087 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4087 of the Revised Code, which is as follows: "It is the duty of the court before charging the grand jury, to ascertain whether the jurors possess the requisite qualifications, and no challenge to the array of a grand jury can be interposed by any person," —be amended so as to read: § 4087 (537). It is the duty of the court, before administering the oath prescribed by law to any grand, petit, or tales juror, to ascertain that such juror possesses the qualifications required by section 4063 (513) of the Revised Code of Alabama; and the duty required of the court by this act shall be considered imperative. Section recited
Amendment.

SEC. 2. *Be it further enacted,* That section 4087 as it now stands in the Revised Code, be and the same is hereby repealed.

Approved March 15, 1875.

No. 183.]

AN ACT

To amend section 4167 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4167 of the Revised Code of Alabama, which is in the words and figures following, to-wit: "§ 4167 (615). Sheriff fined, etc., for failure to execute

Section recited writs.—Any sheriff who fails to execute a writ of arrest, from the want of due diligence, to be determined by the court, may be fined one hundred dollars or less, on one day's notice, and if such fine is not paid, may be imprisoned in the county jail for not more than two months,"—

Amendment. be and the same is hereby amended so as to read as follows, to-wit: § 4167 (615). Sheriffs fined, etc., for failure to execute warrants or writs of arrest.—Any sheriff who fails to execute any warrant or writ of arrest, issued by a justice of the peace, judge of the county court, or from any circuit or city court of this State, from the want of due diligence, to be determined by the court, may be fined one hundred dollars or less, on one day's notice, and if such fine is not paid, may be imprisoned in the county jail for not more than two months; *Provided*, That any sheriff who may be fined under the provisions of this section shall have the right of appeal therefrom to the next term of the circuit or supreme court, as the case may be, under the laws regulating appeals to said courts.

SEC. 2. *Be it further enacted*, That section 4167, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 6, 1875.

No. 184.]

AN ACT

To repeal an act entitled "An act to amend sections 4377 and 4390 of the Revised Code of Alabama," approved October 10, 1868.

Act repealed. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend sections 4377 and 4390 of the Revised Code of Alabama," approved October 10, 1868, be and the same is hereby repealed.

Approved March 20, 1875.

No. 185.]

AN ACT

To authorize the commissioners court of Franklin and other counties therein named to lay off their respective counties into four commissioners districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Franklin, Lauderdale, Limestone, De Kalb, Walker, Baldwin, Marion, Choctaw, Morgan, Marshall, Elmore, Russell, Autauga, Tallapoosa, Coosa, Barbour, Fayette and Jackson counties be authorized, and they are hereby required to lay off said counties into four commissioners districts, as near equal in population as may be. Authority to comm'r's court to lay off their counties into 4 districts.

SEC. 2. *Be it further enacted,* That the qualified voters of said counties shall elect one commissioner for each district, whose term of service shall commence at the expiration of the term of the present incumbents; and said commissioners shall reside in the districts for which they are severally elected.

Sec. 3. *Be it further enacted,* That all laws contravening the provisions of this act be and the same are hereby repealed.

Approved February 16, 1875.

No. 186.]

AN ACT

To repeal section 13 of an act entitled "An act for the government of the Bureau of Industrial Resources," approved August 12, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 13 of an act entitled "An act for the government of the bureau of industrial resources," approved August 12, 1868, which reads as follows, to-wit:

"Sec. 13. *Be it further enacted,* That the commissioner of industrial resources shall have power, when it shall become necessary, to employ one clerk, who shall receive for his services not exceeding one thousand dollars per annum,"—be and the same is hereby repealed. Act recited.
Repealing section.

Approved January 23, 1875.

No. 187.]

AN ACT

To fix the salary of the Commissioner of Industrial Resources.

Salary of Com.
of Industrial
Resources.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act the salary of the commissioner of industrial resources shall be five hundred dollars per annum, payable in like manner as all other State officers; *Provided,* That the commissioner shall not receive any compensation provided for unless he shall reside at the capital of the State.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved February 15, 1875.

No. 188.]

AN ACT

To refund to Josiah Morris & Co. money advanced by them to M. G. Moore, late commissioner to settle claims of the penitentiary, and used to meet current expenses.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor be and he is hereby required to draw his warrant on the treasurer in favor of Josiah Morris & Co. for five hundred and sixty-nine 22-100 dollars, to be paid out of any moneys in the treasury not otherwise appropriated, in payment of money advanced by them to M. G. Moore, late commissioner to settle claims of the penitentiary, as set forth in the report of the joint committee to inspect the State penitentiary and State farm.

Approved March 20, 1875.

No. 189.]

AN ACT

For the relief of certain counties in the State.

WHEREAS, The tax collectors of a number of counties in the State have paid into the State treasury certain sums of money which ought of right to have been paid into the several county treasuries of such counties for the use of schools in such counties, under the provisions of an act "To keep in each county of this State a proportionate share of the public school money," approved April 19, 1873; and whereas, without a remedial act of legislation upon the part of this general assembly, such several sums of money so improperly paid into the State treasury will be totally lost to the public school funds of such counties—therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor of State be and he is hereby authorized and required to draw his warrant upon the State treasurer in favor of the treasurer of each of the counties, the tax collectors of which have improperly paid into the State treasury certain sums of money which ought of right to have been paid into the several county treasuries under the provisions of the act referred to in the preamble to this bill, such warrants to be for the sums respectively so improperly paid into the State treasury, and to be based upon such evidence as shall be satisfactory to the auditor of the justice of such claims in favor of such counties in consequence of such improper payment of such sums of money.

Auditor to draw warrant for moneys paid into treasury improperly under act of April 19, 1873.

SEC. 2. *Be it further enacted,* That the money drawn upon such warrants by such county treasurers shall be retained by them subject to the laws in force in relation to such moneys, and paid out for the use of schools in accordance therewith.

Manner of disposing of moneys.

Approved January 15, 1875.

No. 190.]

AN ACT

For the relief of the University of Alabama.

WHEREAS, Hon. Joseph Hodgson, while superintendent of public instruction of this State, did collect a sum

Preamble.

of money, amounting to seventeen hundred and sixty-four and 40-100 dollars, belonging to the University fund, under provisions of an act of the general assembly "For the relief of the lessees of the University lands, &c.," approved March 9, 1871; and whereas, in the absence of a bonded treasurer of the State University, the said sum of money was by said Joseph Hodgson, superintendent of public instruction, deposited in the State treasury as a special deposit for the benefit of the University; and whereas, the said special deposit is still in the State treasury, where it has been kept separate and apart from all other moneys, the sum of seventeen hundred and sixty dollars being in funds known as "State certificates," and the balance of four dollars and fifty cents being in currency of the United States, now, therefore,

Duty of State Treasurer.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the treasurer of this State be and he is hereby required to turn over to the treasurer of the State University the said sum of money so left in the treasury as a special deposit for the benefit of the University, upon the execution by the said treasurer of the University of a proper receipt therefor; and it shall be the duty of the said treasurer of the State University to report the same to the board of regents of the University of the State at the time of making his next annual report and statement of account.

SEC. 2. *Be it further enacted,* That the board of regents shall provide for the investment of said funds in accordance with the provisions of section three (3) of the "Act for the relief of the lessees of University lands, &c.," approved March 9, 1871.

Approved March 8, 1875.

No. 191.]

AN ACT

For the relief of the teachers of free public schools in the county of Montgomery pending the contest for the office of County Superintendent of Education of said county.

Preamble.

WHEREAS, There is a dispute as to the title to the office of county superintendent of education of Mont-

gomery county, in consequence of which the teachers of public schools in said county, who are poor and needy, cannot draw their pay as said teachers; and whereas, said dispute may last for an indefinite time, and is paralyzing the free public school system in said county—therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That pending said dispute as to the title to said office, the treasurer of Montgomery county is hereby authorized and required to pay over to Hon. John M. McKleroy, the superintendent of public instruction of the State, all moneys belonging to the public school fund of said county which have come to the hands of said treasurer, or may hereafter come into his hands as such treasurer, the said superintendent of public instruction executing receipts therefor to said treasurer in duplicate, as is now required of county superintendents of education, and the said superintendent of public instruction, on the receipt of said moneys, is hereby authorized and empowered to disburse the same; *Provided,* That the State superintendent of public instruction shall pay promptly all teachers for services rendered whose reports are properly certified and approved by James Fitzpatrick before the appointment of L. A. Shaver as county superintendent.

Treasurer of
Montgom'y co.
authorized to
pay all school
money to supt.
public instruc-
tion.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 8, 1875.

No. 192.]

AN ACT

To detach a portion of Escambia county and attach to Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all that portion of township three (3), range thirteen (13), which lies east of Sepulga river and north and west of Conecuh river, being in the fork of said rivers in Escambia county, be and the same is hereby detached from Escambia county, added to and made a part of the county of Conecuh.

Portion of Es-
cambia at-
tached to Con-
ecuh county.

SEC. 2. *Be it further enacted,* That all the taxes due

for the year 1874 by the citizens of the above described limits must be paid to the tax collector of Escambia county.

SEC. 3. *Be it further enacted*, That all laws contravening the provisions of this act be and the same are hereby repealed.

Approved February 25, 1875.

No. 193.]

AN ACT

To furnish water pipes in the Capitol building.

Authority to
contract for
water pipes,
&c.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the keeper of the capitol is hereby authorized and required to contract with the Montgomery water works company for furnishing water pipes and all necessary fixtures which may be needed to conduct water to the various points of the capitol building ; *Provided*, It does not cost more than three hundred dollars ; and the auditor is hereby authorized to draw his warrant upon the treasurer for the necessary amount upon the order of the governor.

Approved March 22, 1875.

No. 194.]

AN ACT

To repeal "An act to secure complete records in the courts of this State," approved December 10, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to secure complete records in the courts of this State," approved December 10, 1868, be and the same is hereby repealed.

Approved February 19, 1875.

No. 195.]

AN ACT

To repeal an act entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21, 1870.

SECTION 1. *Be it enacted by the General Assembly of* ^{Repealing act.} *Alabama,* That an act entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21, 1870, and all acts amendatory thereof, be and the same are hereby repealed.

Approved March 17, 1875.

No. 196.]

AN ACT

To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868, and an act entitled "An act to amend the same," approved October 18, 1868.

SECTION 1. *Be it enacted by the General Assembly of* ^{Repealing act.} *Alabama,* That an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868, and an act entitled "An act to amend the same," approved October 18, 1868, be and the same are hereby repealed.

Approved February 20, 1875.

No. 197.]

AN ACT

To repeal an act entitled "An act to authorize the several counties, towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests.

SECTION 1. *Be it enacted by the General Assembly of* ^{Repealing act.} *Alabama,* That an act entitled "An act to authorize the

several counties, towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests," approved December 31, 1868, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved December 14, 1874.

No. 198.]

AN ACT

To repeal an act entitled "An act to authorize the publication of the laws of Alabama," approved October the tenth, eighteen hundred and sixty-eight, and an act entitled "An act to amend the same," approved December the nineteenth, eighteen hundred and seventy-one.

Repealing act. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to authorize the publication of the laws of Alabama," approved October the tenth, eighteen hundred and sixty-eight, and an act entitled "An act to amend the same," approved December the nineteenth, eighteen hundred and seventy-one, be and the same are hereby repealed.

Approved December 8, 1874.

No. 199.]

AN ACT

To repeal an act to amend section six hundred and eighty-nine of the Revised Code of Alabama, and reenact said section six hundred and eighty-nine of the Revised Code of Alabama.

Repealing act. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend section six hundred and eighty-nine of the Revised Code of Alabama," approved February 25, 1871, be and the same is hereby repealed; and said section six hundred and

eighty-nine of the Revised Code of Alabama be and the same is hereby re-enacted. Section re-enacted.

Approved January 26, 1875.

No. 200.]

AN ACT

To repeal sections 2534, 2536, 2571, and 3323 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections numbered two thousand five hundred and thirty-four (2534), two thousand five hundred and thirty-six (2536), two thousand five hundred and seventy-one (2571), and three thousand three hundred and twenty-three (3323) of the Revised Code of Alabama be and the same are hereby repealed. Sections repealed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, or which make any provisions for bringing or conducting suits against the State, be and the same are hereby repealed. All other laws.

Approved December 18, 1875.

No. 201.]

AN ACT

To repeal an act entitled "An act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868, be and the same is hereby repealed. Repealing act.

Approved March 19, 1875.

No. 202.]

AN ACT

To repeal "An act to amend section four thousand and sixty-three (4063) of the Revised Code of Alabama," approved December 31, 1868.

Repealing act. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend section 4063 of the Revised Code of Alabama," approved December 31, 1868, be and the same is hereby repealed.

Approved March 19, 1875.

No. 203.]

AN ACT

To provide for the taking the census of the State of Alabama for the year 1875.

Govern'r must appoint census taker for each county. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor of this State be and he is hereby authorized and required, as soon as practicable after the approval of this act, to appoint in each of the counties of this State a suitable and proper person to take the census, or enumeration of the inhabitants of the respective counties of this State for the year 1875; and the person so appointed shall take and subscribe the following oath, or affirmation, before entering upon the duties of his office, viz: I do solemnly swear, or affirm, that I will faithfully take the census and correctly enumerate the inhabitants of — county according to the true intent and meaning of the act to provide for the taking of the census of the State of Alabama for the year 1875, approved — day of —, so help me God; which oath shall be filed in the office of the probate judge of the proper county.

Oath of census taker.

Duties of census taker.

SEC. 2. *Be it further enacted,* That it shall be the duty of the census taker appointed as aforesaid to make personal application to and enumerate all persons not heads of families, and to make application to all heads of families within the county for which he shall have been appointed, for a true estimate of all the members thereof; such estimate to contain an enumeration of the whole number of the members belonging to his or her family, together with the names of all persons enumerated, and

in the absence of the husband, the wife may give the enumeration. The said census taker shall classify the whole population into two classes, white and colored; the colored to include all persons of color. He shall also specify the males and females of each class; and he shall also subdivide each of the classes, colored and white, male and female, according to age, so that the enumeration shall show how many of each class are under ten years of age, how many between ten and twenty, between twenty and thirty, between thirty and forty, between forty and fifty, between fifty and sixty, between sixty and seventy, between seventy and eighty, between eighty and ninety, between ninety and one hundred, and all persons over one hundred years of age.

SEC. 3. *Be it further enacted*, That the said census taker shall make an enumeration of all insane persons, epileptics and idiots in his county, designating those in the county at the time of the enumeration, and such, being citizens of the State, as may be sent abroad; also all mutes and blind persons, and also all crippled and maimed persons, with their post-office address.

SEC. 5. *Be it further enacted*, That the census taker shall ascertain and enumerate the number of colleges, academies, and common schools in his county, and also the number of scholars attending the same, and the number of children within the school age within said county.

SEC. 5. *Be it further enacted*, That it shall be the duty of the secretary of state to prepare and furnish to each person so appointed to take the census, within twenty days after the approval of this act, blanks and schedules to be used by them in taking the census according to the provisions of this act, together with a copy of this act. Said secretary shall also furnish each census taker with such blanks or schedules, neatly bound, two books to each county, of sufficient size to contain such enumeration, &c.

SEC. 6. *Be it further enacted*, That the census taker shall make out two copies in such books of the enumeration of the classification aforesaid, according to the persons so furnished, one of which shall be deposited in the office of the probate judge of the county in which the enumeration is made, and the other shall be deposited in the office of the secretary of state on or before

Sec'y of state
must give no-
tice of books
being on file.

the first day of November, 1875; and it shall be the duty of the secretary of state to notify the speaker of the house of representatives, on the third Monday in November, 1875, that such books or enumerations are on file in his office.

Compensation
of census tak-
er.

SEC. 7. *Be it further enacted*, That the said census taker, appointed as aforesaid, shall be allowed for taking the census or enumeration as aforesaid the following compensation: For each hundred persons enumerated, up to five thousand, four dollars; for each hundred, over five thousand and up to ten thousand, three dollars; for each hundred, over ten thousand and up to fifteen thousand, two dollars; for every hundred over fifteen thousand, one dollar; also twenty dollars for making such books for offices of probate judge and secretary of state.

How paid.

SEC. 8. *Be it further enacted*, That it shall be the duty of the probate judge and secretary of state, upon the census taker making and depositing such books in their respective offices under this act, to give him a certificate to that effect; and upon the presentation by such census taker of the said certificate to the state auditor, it shall be the duty of that officer to draw his warrant upon the state treasurer in favor of such census taker for the sum which may be due him under the provisions of this act; and for the information and guidance of the auditor, it shall be the duty of the secretary of state to include in his certificate to said census taker the number of persons so enumerated by him.

What enumer-
ation must
embrace.

SEC. 9. *Be it further enacted*, That the enumeration required to be made by this act shall embrace all the citizens of the State, whether within the State at the time of the enumeration, or abroad, but such persons only as shall be residents of the respective counties in which they are enumerated shall be enumerated; *Provided*, That persons removing into any county after said first day of March next, and making oath or affirmation that they have not been enumerated in any other county, may be included.

Proviso.

Penalties.

SEC. 10. *Be it further enacted*, That if any person refuses to render such enumeration of his or her family, on application as aforesaid, or shall knowingly render a false one, such person shall forfeit the sum of fifty dollars, to be recovered before a justice of the peace, upon the information of the census taker, which shall be paid into the county treasury.

SEC. 11. *Be it further enacted*, That if any person who may be appointed under the provisions of this act shall accept such appointment, by acquiescence or otherwise, shall fail to perform in any respect the duties herein assigned him, he shall forfeit the compensation herein allowed, and also the sum of two hundred dollars, to be recovered in the name of the State of Alabama, before any court having jurisdiction thereof, and shall be paid into the treasury of the State; and it shall be the duty of the solicitor representing the State in the circuit court for the county having jurisdiction of such offense to prosecute for every violation of this statute; and for each conviction had he shall receive a fee of twenty-five dollars, to be taxed and collected in the same manner as are other fees allowed that officer.

Penalty for failure to perform duty.
Solicitor's duties and fees.

SEC. 12. *Be it further enacted*, That the governor shall fill all vacancies which may occur in any manner in said office of census taker; and the person so appointed shall receive compensation in proportion to the services by him actually rendered, to be adjusted by the state auditor, on the certificate of the probate judge and secretary of state.

Vacancies; how filled.
Compensation

SEC. 13. *Be it further enacted*, That it shall be the duty of the several census takers, and they are hereby required to make the enumeration by townships, and the returns made by them shall show the number of inhabitants in each township of their several counties.

Enumeration by townships.

SEC. 14. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

Approved March 1, 1875.

To authorize probate judges in the counties of Jackson, Clarke, Shelby, Randolph, Coosa, Winston, Fayette, Cleburne, Tuscaloosa, Monroe, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson, Baldwin, Cherokee, Clay, Lauderdale, Blount and Morgan to order elections in certain cases, to prevent the sale or giving, or other disposition of vinous or spirituous liquors within certain limits in such counties.

Any freehold'r within proposed limits may petition probate judge that he desires the prohibition of the sale of liquors.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter, when any person desires to prevent the sale or giving away or otherwise disposing of vinous or spirituous liquors within certain limits of any city, town, village, church, school house, or any public works, or within certain limits of any other place, he may petition, in writing, the probate judge of the county in which such city, town, village, church, school house, public works, or other public place is situated, setting forth accurately a description of the place where he desires the prohibition of the sale or giving away of vinous or spirituous liquors, the distance from such city, town or village, church, school house, public works, or other place in which the sale or giving away is to be prohibited, and the number and names of all male citizens over twenty-one years of age residing within such limits; and that in the opinion of the petitioner the public good will be promoted by a prohibition of the sale or giving away of vinous or spirituous liquors within such limits, which petition shall be verified by the oath of the applicant; *Provided,* The petitioner shall be a freeholder residing within the proposed limits.

Proceedings upon filing petition.

SEC. 2. *Be it further enacted,* That on the filing of such petition, it shall be the duty of such probate judge forthwith to order an election, to be held at some convenient place in such city, town, village, church, school house, public works, or other place, and he shall appoint three householders or freeholders who live within such proposed limits, male citizens over twenty-one years of age, who shall have so resided therein for at least three months next before the filing of such petition, as managers, to hold and conduct such election; and it shall be the duty of such probate judge to issue a notice to such managers, together with a copy of such petition,

Election ordered.

which shall be personally served on them by the sheriff for at least ten days before the day so appointed for holding such election.

SEC. 3. *Be it further enacted*, That said managers, immediately after the service of such notice by the sheriff, shall cause to be posted up a written notice of the time and place of holding such election at three or more public places within such proposed limits; and upon the day appointed for holding the same the said managers, or a majority of them, at the hour of nine o'clock in the morning, shall open and hold an election at such designated place, which election shall be closed at the hour of five o'clock in the evening; that if a majority of such managers fail to attend at the appointed time and place of holding such election, then any three householders or freeholders within such limits may open and hold such election.

Duty of managers of election.

SEC. 4. *Be it further enacted*, That all male citizens who reside within such proposed limits who, at the time, under the laws of this State, are entitled to vote at any general election for governor shall be eligible to vote at such election; that the general election laws in this State which may be in force at the time not inconsistent with this act shall apply to such election.

Qualification of electors.

SEC. 5. *Be it further enacted*, That at such election the persons so voting in favor of prohibition shall write or print on their ticket "Prohibition," and those voting in opposition to the prohibition shall write on their ticket "No prohibition;" that after the votes so cast shall have been counted out by such managers, the same, together with the tickets, shall be placed in an envelope, sealed up and directed to the probate judge of the county. Said managers shall select any of their number, or some other suitable person, as returning officer, who shall deliver said election returns to such probate judge within two days after the holding of such election.

Ballots sealed up and directed to probate judge.

SEC. 6. *Be it further enacted*, That if it is made to appear to the probate judge on opening such election returns that a majority of the electors voting at such election, residing within the proposed limits, voted in favor of prohibition, then he shall make an order on the minutes of said court prohibiting the sale or giving away of vinous or spirituous liquors within the limits mentioned in said petition, and cause a copy of the same to

Duty of probate judge if majority vote for prohibit'n.

be posted at three conspicuous places within such limits, and at the expiration of ten days after the making and posting of such order, it shall not be lawful for any person to sell or give away vinous or spirituous liquors within such proposed limits, under the pains and penalties now prescribed by law against persons engaged in retailing vinous or spirituous liquors without license; *Provided*, That the rights of any one holding license as a retail or wholesale liquor dealer shall not be affected hereby until the expiration of such license.

Unlawful for
probate judge
to issue license

Penalty.

SEC. 7. *Be it further enacted*, That after the making of such order it shall be unlawful for any probate judge to issue a license to any person to sell or otherwise dispose of vinous or spirituous liquors within such limits, and any probate judge violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one hundred dollars.

Maj'y against
prohibition pe-
titi'n dismiss'd

SEC. 8. *Be it further enacted*, That if, on the returns of said election to the probate judge, it appears that a majority of the qualified voters residing within the prescribed limits voting at said election voted against prohibition, then such judge shall make an order dismissing such application at the cost of the applicant.

After filing pe-
tition it is un-
lawful for pro-
bate judge to
issue license.

SEC. 9. *Be it further enacted*, That after the filing of the petition referred to in this act it shall not be lawful for any probate judge to issue a license to any person to sell or dispose of vinous or spirituous liquors within the limits mentioned in said petition until after the same shall have been voted upon as herein provided; and not then unless the same shall have been voted down or against; *Provided*, The second petition shall not be made within twelve months after filing of the petition mentioned in this section.

Compensation

SEC. 10. *Be it further enacted*, That the probate judge and sheriff shall each be entitled to the sum of three dollars, and the returning officer shall be entitled to the sum of one dollar and fifty cents, said sum of money to be deposited by the petitioner with the probate judge on the filing of such petition.

SEC. 11. *Be it further enacted*, That after such probate judge shall have made his order prohibiting the sale or giving away of vinous or spirituous liquors within any city, town, village, church, school house, public works, or other place, and any citizen being a freeholder

within such limits desires to have the order revoked, he may do so by petition to the judge of probate in the same manner as in the first instance, after the expiration of twelve months from the prior election. The election shall be ordered and held as hereinbefore provided; and if, on the return of the votes polled, it appears to such probate judge that a majority of the qualified voters voting at said election voted against prohibition, then he shall make an order revoking the former order made by him prohibiting the sale or giving away of vinous or spirituous liquors within such limits; *Provided*, That this act shall not be so construed as to repeal or affect any law now existing prohibiting the sale of liquors within any designated locality while such law is in force.

Any person desiring to have order of prohibition revoked may do so by petition.

Proceedings had.

SEC. 12. *Be it further enacted*, That the costs in an application to vacate the order of prohibition, as in the first instance, shall be the same as provided in the tenth section of this act, and shall be deposited with the judge of probate, as directed in said section.

Costs on application to vacate prohibitory order same as in 10th section.

SEC. 13. *Be it further enacted*, That the judges of the circuit courts be required to charge the grand juries of the counties composing their districts to inquire into and return offenses against this act.

Judges to give this act in charge.

SEC. 14. *Be it further enacted*, That any person violating this law shall be punished as those are now punished who sell vinous and spirituous liquors without license.

Penalty.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, That the provisions of this act shall apply only to the counties of Jackson, Clarke, Shelby, Randolph, Coosa, Winston, Fayette, Cleburne, Tuscaloosa, Monroe, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson, Baldwin, Cherokee, Clay, Lauderdale, Blount and Morgan; *Provided further*, That this act shall not be so construed as to affect any incorporated town or city by whose corporate laws the power to regulate licenses is already guaranteed.

Repealing section.

Approved March 19, 1875,

No. 205.]

AN ACT

To render more explicit and to provide for the better enforcement of the provisions of law, in reference to the sale or giving away of spirituous, vinous or malt liquors in this State.

Unlawful to sell liquors to minors or persons of known intemperate habits.
Exception.
Penalty.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person, whether with or without a license, to sell or give away spirituous, vinous or malt liquors, in any quantity whatever, to minors, or persons of known intemperate habits, except upon the requisition of a physician for medicinal purposes, as provided by law, and that any person violating the provisions of this act must, upon conviction, be fined not less than fifty nor more than five hundred dollars.

Claim for spirits invalid.

SEC. 2. *Be it further enacted,* That no claim for money or other articles of value, shall be valid for spirits, or any kind of intoxicating drinks sold or otherwise disposed of in violation of the provisions of this act, and no judgment shall be rendered by any court in this State for the collection of debts made in violation of this act.

To be given in special charge to grand jury.

SEC. 3. *Be it further enacted,* That it shall be the duty of the judges of the circuit courts to give this act specially in charge to the several grand juries in this State.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in contravention of the provisions of this act, be and the same are hereby repealed.
Approved March 18, 1875.

No. 206.]

AN ACT

To prohibit the sale, barter or giving away of vinous, spirituous or malt liquors within one mile of Indian Hill Manufactory, extending east, however, only to the corporate limits of Prattville.

Sale of liquor prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to sell, barter or give away any vinous, spirituous or malt liquors within one mile of Indian Hill Factory, in Au-

tauga county, extending east, however, only to the corporate limits of the town of Prattville.

SEC. 2. *Be it further enacted*, That any person violating the provision of the first section of this act, is liable to be indicted therefor, and on conviction must be fined not less than fifty dollars, or sentenced to hard labor for the county for not less than three months, one or both, at the option of the jury trying the same. ^{Penalty.}

Approved March 15, 1875.

No. 207.]

AN ACT

To prohibit the sale or bartering of spirituous, malt or other intoxicating liquors within one mile of the Methodist Episcopal Church in Autaugaville, Autauga county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell or barter spirituous, malt or other intoxicating liquors of any kind whatever within one mile of the Methodist Episcopal Church in Autaugaville, Autauga county, Alabama, except strictly for medicinal or sacramental purposes. If for medicinal purposes to be sold or given away only on the written prescription of some respectable physician. ^{Sale of liquor prohibited.}

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than two months, at the discretion of the jury trying the same. ^{Penalty.}

SEC. 3. *Be it further enacted*, That the solicitor shall be entitled to a fee of twenty-five dollars for the conviction of each defendant for a violation of this act, to be taxed as cost against each defendant so convicted. ^{Solicitor's fee.}

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved January 26, 1875.

No. 208.]

AN ACT

To prohibit the sale or disposition of intoxicating liquors within five miles of Perdido Union Church, near the line between the counties of Baldwin and Escambia.

Sale prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sale or otherwise disposing of intoxicating liquors is hereby prohibited within five miles of Perdido Union Church, near the line between the counties of Baldwin and Escambia.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating this act is guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars.

SEC. 3. *Be it further enacted,* That all laws in conflict with this act be and the same are hereby repealed as to the above described territory.

Approved March 17, 1875.

No. 209.]

AN ACT

To preserve order and to prohibit the sale of liquors at and near the Wilkey Springs Camp Ground, in the county of Barbour.

Sale of liquor prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any ardent or spirituous liquors of any kind whatsoever, within two miles in any direction of the Wilkey Springs Camp Ground in Barbour county.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars and sentenced to hard labor for the county for not less than two months.

SEC. 3. *Be it further enacted,* That any person who shall appear upon said camp ground in a state of intoxication during the time of the continuance of any assemblage of people, met at said camp ground for public

worship, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars.

SEC. 4. *Be it further enacted*, That it shall be the duty of any sheriff, or acting deputy sheriff, or any constable of said county of Barbour, to arrest, without any warrant, and to execute any and all warrants by arresting thereon any person who shall be charged with violating the provisions of this act, and carry such person before any justice of the peace or judge of the county court of said county of Barbour, to answer for such misdemeanor, which justice of the peace or judge of the county court shall have full power and jurisdiction to try such person upon such charge, unless he or she shall demand a trial by jury, in which event such justice of the peace or judge of the county court shall require such person to enter into bond in not less than one hundred dollars, with approved security, conditioned that he or they shall appear at next term thereafter of circuit court of said county, and from term to term thereafter until discharged by law, to answer such indictment as the grand jury of said county may prefer against him or her for such offense; *Provided*, That the provisions of this act shall not apply to or extend to the village of Mt. Andrew, within four hundred yards in any direction from the public well in said village.

Authority to
arrest without
warrant.

Mt. Andrew
excepted.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 17, 1875.

No. 210.]

AN ACT

To prohibit the sale or giving away of vinous, spirituous or malt liquors within four miles of Good Hope Church and Academy, in Butler county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for any person to sell, give away or otherwise dispose of any vinous or spirituous or malt liquors within four miles of Good Hope church and academy, in Butler county, unless the same shall be sold or administered for purely medicinal purposes under a medical prescription.

Sale of liquors
prohibited.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not less than thirty days, and on failure to secure said fine and costs, shall be sentenced to hard labor for the use of the county in which such conviction is had until said fine and costs are paid.

Approved March 15, 1875.

No. 211.]

AN ACT

To prohibit the sale or giving away of liquors within three miles of Oak Bowery and Bethel Methodist Episcopal Churches, in Butler county, Alabama.

Sale of liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors or any intoxicating bitters, except for sacramental purposes, within three miles of Oak Bowery and Bethel Methodist churches, in Butler county.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than fifty dollars, and may be sentenced to hard labor for the county not less than thirty days, one or both, at the discretion of the court trying the same.

Approved March 18, 1875.

No. 212.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of any vinous, malt or spirituous liquors within two miles of Soule Chapel Methodist Episcopal Church, situated near Waverly, in Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it

shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous, vinous or malt liquors within two miles of Soule Chapel Methodist Episcopal church, situated near Waverly, in Chambers county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than two hundred dollars, and may be confined in the county jail for each and every offense for thirty days, one or both, at the discretion of the court trying the same. Penalty.

Approved March 17, 1875.

No. 213.]

AN ACT

To prevent the sale or otherwise disposing of vinous or spirituous liquors within two miles of the Male Academy, in the town of Bluffton, in Chambers county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give away, or otherwise dispose of vinous or spirituous liquors within two miles of the male academy in the town of Bluffton, in Chambers county, Alabama. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding five hundred dollars, and be put to hard labor for the county or imprisoned in the county jail for not more than twelve months. Penalty.

SEC. 3. *Be it further enacted*, That justices of the peace shall have concurrent jurisdiction with the circuit and county court for violations of this act.

Approved March 15, 1875.

No. 214.]

AN ACT

To prevent the sale, giving away or bartering of spirituous, vinous or malt liquors within two miles of Bethel Church, in Chambers county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or barter any vinous, spirituous or malt liquors, or any intoxicating bitters, within two miles of Bethel church, in Chambers county.

Penalty.

SEC. 2. *Be it further enacted,* That from and after the passage of this act any person violating the provisions of this act shall for each violation be guilty of a misdemeanor, and must on conviction be fined not less than fifty nor more than one hundred dollars, or may be imprisoned in the county jail not less than three months nor more than six months, at the discretion of the court trying the same.

Approved December 17, 1874.

No. 215.]

AN ACT

To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within beat ten in the county of Choctaw.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the first day of January, eighteen hundred and seventy-five, it shall not be lawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, except prescribed by a practicing physician or for sacramental purposes, within the limits of beat ten in the county of Choctaw.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of the first section of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 3. *Be it further enacted,* That all laws and parts

of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved December 17, 1874.

No. 216.]

AN ACT

To prohibit the sale or giving away of vinous, spirituous, or malt liquors within four miles of Wiseville Post-office in Morgan county, Thomasville in Bullock, and Gaylesville in Cherokee counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person in this State to sell, give away, or otherwise dispose of any vinous, spirituous, or malt liquors within four miles of Wiseville Post-office in Morgan county, Thomasville in Bullock, and Gaylesville in Cherokee counties. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, and may also be imprisoned in the county jail for not less than thirty days, at the discretion of the court trying the same. Penalty.

Approved March 15, 1875.

No. 217.]

AN ACT

To prohibit the selling or otherwise disposing of spirituous or other intoxicating liquors within five miles of Sterling Mills, and the Methodist church and school house near thereto, in Cherokee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to sell or otherwise dispose of any spirituous, vinous, or other intoxicating liquors at or within five miles of Sterling Mills, and the Methodist church and school house near thereto, in that portion of Cherokee county in this State known as Streight-neck beat; the selling or otherwise disposing of which is hereby made a misdemeanor. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person who

Penalty.

shall violate the provisions of this act shall be liable to prosecution, and on conviction must be fined not less than fifty dollars for each offense, and must stand committed till fine and cost are paid or secured; and no person arrested for a violation of this act shall be discharged before conviction, without giving bond and security for his appearance at the circuit court, any law to the contrary notwithstanding.

Approved March 15, 1875.

No. 218.]

AN ACT

To prohibit the sale of vinous or spirituous liquors within five miles of Ebenezer church and New Hope church in Cherokee county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell or otherwise dispose of any vinous or spirituous liquors within five miles of Ebenezer church and of New Hope church in Cherokee county, in any quantity, unless in case of absolute medicinal necessity, to be established by proof to the satisfaction of the jury trying the same.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of the first section of this act must, on a conviction of the same upon indictment presented, be fined not less than one hundred dollars, and stand committed till fine and cost are paid; *Provided,* This act shall not apply to use of wine upon sacramental occasions.

Approved March 15, 1875.

No. 219.]

AN ACT

To prohibit the sale or otherwise disposing of vinous, spirituous or other intoxicating liquors within five miles of Hebron and Mount Bethel churches in Cherokee county in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to ^{Sale of liquors prohibited.} sell or otherwise dispose of any vinous, spirituous or other intoxicating liquors within five miles of the Methodist church known as Hebron, or the Baptist church known as Mount Bethel, near Browntown Post-office in Cherokee county; and any person guilty thereof shall be deemed guilty of a misdemeanor, and subject to in- ^{Penalty.} dictment, and on conviction must be fined not less than fifty dollars, and must stand convicted until fine and costs are paid or secured; and in no case shall the defendant be enlarged on his own recognizance without bail.

SEC. 2. *Be it further enacted,* That this act is not to be construed to prohibit the use of wine for sacramental purposes.

Approved March 15, 1875.

No. 220.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile and a half of the town of Cherokee in Colbert county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one and a half miles of the town of Cherokee in Colbert county, except for medicinal purposes. ^{Sale prohibit d}

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of the foregoing section of

Penalty.

this act shall be deemed guilty of a misdemeanor, and on conviction for the same must be fined not less than fifty dollars, and may be imprisoned in the county jail not exceeding thirty days, one or both, at the discretion of the jury trying the same.

SEC. 3. *Be it further enacted*, That the solicitor, for each conviction under the provisions of this act, shall be entitled to a fee of twenty dollars, to be taxed as costs against the defendant.

Approved March 17, 1875.

No. 221.]

AN ACT

To repeal an act entitled "An act to prohibit the selling of vinous or spirituous liquors within two miles of Fairmount church and the Adkinson school house in the county of Covington."

Repealing act.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to prohibit the selling of vinous or spirituous liquors within two miles of Fairmount church and the Adkinson school house in the county of Covington," be and the same is hereby repealed.

Approved February 25, 1875.

No. 222.]

AN ACT

To prohibit the sale, giving away, or barter of intoxicating liquors within three miles of the M. E. church, south, located at Mount Pleasant, beat 5, in Crenshaw county.

Sale of liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give, or barter away, or in any way dispose of, spirituous liquors within three miles of the Methodist Episcopal church, south, at Mt. Pleasant in Crenshaw county, beat 5.

SEC. 2. *Be it further enacted*, That any person so of

fending shall be fined not less than one hundred dollars, and upon default to pay the same shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months, at the discretion of the court trying the same. ^{Penalty.}

Approved March 17, 1875.

No. 223.]

AN ACT

To prohibit the selling or giving away or otherwise disposing of any vinous or spirituous liquors within two miles of Mt. Pleasant Church, in Crenshaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any one to sell or give away or otherwise dispose of any vinous, spirituous or malt liquors within two miles of the Methodist church known as Mt. Pleasant church, in Crenshaw county; and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not less than six nor more than twelve months. ^{Sale of liquors prohibited.}

Approved March 6, 1875.

No. 224.]

AN ACT

To prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three (3) miles of McKenzie's Church, in Monroe county, and within the beat known as Harrell's Cross Roads, in the county of Dallas.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, barter or otherwise dispose of any spirituous, malt or vinous liquors, except for medicine strictly, within three miles in any direction of the Methodist church known as McKenzie's church, in the county of Monroe, ^{Sale of liquors prohibited.}

and within the beat known as Harrell's Cross Roads, in the county of Dallas.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars nor over one hundred dollars, at the discretion of the court trying the same.

Approved March 18, 1875.

No. 225.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of any vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker's Church, Bellevue precinct, in the county of Dallas.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters or other intoxicating beverages, within two miles of Walker's church, in Bellevue precinct, Dallas county, unless as medicine under written prescription of a physician, designating the patient and the quantity to be administered.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than two hundred nor more than five hundred dollars, and must also be imprisoned in the county jail or sentenced to hard labor for the county of Dallas, at the discretion of the judge trying the case, for not less than two nor more than twelve months.

Approved March 6, 1875.

No. 226.]

AN ACT

To prevent the selling, giving away or otherwise disposing of spirituous, malt or vinous liquors within five miles of Orrville, Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That after the passage of this act it shall be unlawful for any one to sell, give away or otherwise dispose of spirituous, malt or vinous liquors within five miles of Orrville, Dallas county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 15, 1875.

No. 227.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile of the town of Frankfort, in Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile of the town of Frankfort, in Franklin county, except for medical purposes. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of the foregoing section of this act shall be deemed guilty of a misdemeanor, and on conviction for the same must be fined not less than fifty dollars, and may be imprisoned in the county jail not exceeding thirty days, one or both, at the discretion of the jury trying the same. Penalty.

SEC. 3. *Be it further enacted,* That the solicitor, for each conviction under the provisions of this act, shall be entitled to a fee of twenty-five dollars, to be taxed as cost against the defendant.

Approved March 15, 1875.

No. 228.]

AN ACT

To prohibit the sale of vinous or spirituous liquors within three (3) miles of New Hope Church and Plato Academy, in Greene county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give or dispose of vinous or spirituous liquors of any kind within three miles of New Hope church and Plato academy, in the county of Greene.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, upon conviction thereof, shall be fined fifty dollars for each and every violation, and may be imprisoned in the county jail not less than three months, or sentenced to hard labor for the county for not less than three months.

Approved February 13, 1875.

No. 229.]

AN ACT

To prohibit the sale or giving away or otherwise disposing of spirituous, vinous or malt liquors within three miles of Union Church and the public school house in beat No. 7, Hale county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, or give away, or otherwise dispose of any spirituous, vinous or malt liquors within three miles of Union Church and the public school house in beat No. 7, Hale county.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than two hundred dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than two months, nor more than twelve months, at the discretion of the jury trying the same.

Approved March 10, 1875.

No. 230.]

AN ACT

To prohibit the selling, or giving away, of any spirituous, vinous or malt liquors within three miles of Concord Presbyterian Church, near Havana, Hale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person, or persons, to sell, or give away, or otherwise disposing of spirituous, vinous, malt or intoxicating liquors within three miles of the Concord Presbyterian Church, near Havana, Hale county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person, or persons, so violating the provisions of this act, is guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than two hundred dollars, or may be sentenced to hard labor for the county not less than two months nor more than twelve months, at the discretion of the jury trying the same.

Approved March 6, 1875.

No. 231.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Smithville Academy and Walnut Grove Church, in Henry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful, after the passage of this act, for any person to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within three miles of Smithville Academy, and also within three miles of Walnut Grove Church, both places being situated in Henry county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person so offending shall be subject to a fine not less than one hundred nor more than five hundred dollars, to be recovered before any court having jurisdiction of the same. Penalty.

Approved February 13, 1875.

No. 232.]

AN ACT

To amend section two (2) of an act to prevent the sale of spirituous or vinous liquors within two and one-half miles of the furnaces of the Red Mountain Iron and Coal Company of Jefferson county, approved March 14, 1873.

Act recited.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two of an act to prevent the sale of spirituous or vinous liquors within two and one-half miles of the furnaces of the Red Mountain Iron and Coal Company in the county of Jefferson, which reads as follows: "That the provisions of this act shall not be so construed as to apply to the manufacture or use of domestic wines, or the use of liquors for medicinal purposes, when prescribed by a physician," be so amended as to read as follows: To the manufacture, the use or sale of domestic wines, nor the use of liquors for medicinal purposes, when prescribed by a physician.

Approved February 10, 1875.

No. 233.]

AN ACT

To prohibit the sale, giving away, or other disposition of spirituous liquors, intoxicating bitters or other intoxicating beverages, within three (3) miles of the Methodist Church in old Jonesboro, in Jefferson county.

Sale of liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person, or persons, to sell, give away, or otherwise dispose of spirituous liquors, intoxicating bitters, or other intoxicating beverages within three (3) miles of the Methodist Church in old Jonesboro, Jefferson county.

Penalty.

SEC. 2. *Be it further enacted,* That any person, or persons, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county not exceeding sixty days, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing section shall not be so construed as to prevent physicians from using spirituous liquors in their practice, or wine from being used for sacramental purposes ; How construed. nor shall they be so construed as to prohibit the manufacture or use of domestic wines, nor so as to prevent any person from giving to another person one or more drinks of such liquors in his private residence, if such residence is not in any way connected with, or part of, a tavern, hotel, store or shop, or other house where public business is transacted ; *Provided*, Such use does not transcend the bounds of temperance or produce intoxication.

Approved February 20, 1874.

No. 234.]

AN ACT

To prohibit the sale of spirituous liquors within three miles of Crittenden's Cross Roads in the county of Lauderdale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to sell or give away any spirituous or malt liquors within three miles of Crittenden's cross roads, in the county of Lauderdale, except for medicinal purposes, upon certificate of a regular practicing physician. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person who violates the provisions of the foregoing section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not less than ten nor more than fifty dollars ; *Provided*, This act shall not interfere with the terms of any license now in existence for the sale of spirituous liquors within said limits. Penalty.

Approved February 25, 1875.

No. 235.]

AN ACT

To prohibit the sale of spirituous, vinous, or malt liquors within three miles of the Baptist church in the town of Rodgersville in Lauderdale county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, no person shall sell, or dispose of, or give away spirituous, vinous, or malt liquors within three miles of the Baptist church in the town of Rodgersville in the county of Lauderdale, Alabama.

Penalty. SEC. 2. *Be it further enacted,* That any person or persons offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned, upon failure to pay such fine imposed, in the county jail for not more than six months, at the discretion of the court trying the same; *Provided,* That any physician within said limits may prescribe, for medical purposes, spirituous, vinous or malt liquors; but if any physician should so prescribe willfully against the provisions of this act, he shall be subject to the same penalties as above described for the violation of the first section of this act for each and every offense.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided,* That any person within said limits, who has taken out license for the sale of spirituous, vinous or malt liquors according to the laws of Alabama, shall not be prohibited from continuing to sell under such license until the termination of the same, and no longer.

Approved December 17, 1874.

No. 236.]

AN ACT

To prohibit the barter, sale, giving away, or in any manner disposing of any spirituous, vinous, malt, or other intoxicating liquor, except for medical purposes, within an area of two miles of Pond Spring church in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to barter, sell, give away, or in any manner dispose of any spirituous, vinous, malt, or other intoxicating liquor, except for medicinal purposes, within an area of two miles of Pond Spring church in the county of Lawrence. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of the first section of this act shall, upon conviction before a court of competent jurisdiction, be fined not less than one hundred dollars, and may be imprisoned thirty days in the county jail, one or both, at the discretion of the jury trying the same. Penalty.

SEC. 3. *Be it further enacted,* That all laws and parts of laws, either general or special, contravening the provisions of this act be and the same are hereby repealed.

Approved March 15, 1875.

No. 237.]

AN ACT

To prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within three miles of Union Chapel church in Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage and approval of this act it shall not be lawful for any person to sell or otherwise dispose of any vinous, spirituous or other intoxicating liquors at any place within three miles of Union Chapel church in Lee county in this State, except it be for sacramental purposes. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction must be fined not less Penalty.

than twenty-five dollars for each offense, and stand committed till fine and costs are paid or secured.

Approved March 17, 1875.

No. 238.]

AN ACT

To prohibit the sale, barter, or gift of intoxicating liquors within three miles of Gold Hill church, Lee county, Alabama.

Sale of liquor prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That after the date of the passage of this act it shall be unlawful for any person to sell, barter, or give away any vinous, spirituous, or malt liquors, or other intoxicating drink, within three miles of Gold Hill church, Lee county, Alabama.

Penalty. SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred dollars for each offense, and upon default to pay the same, shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months.

Approved March 6, 1875.

No. 239.]

AN ACT

To prohibit the sale or giving away of vinous, spirituous or malt liquors within three miles of the Agricultural and Mechanical College of Alabama in Lee county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to vend or give away any vinous, spirituous, or malt liquors, except as a medicine administered in good faith as per the prescription of a practicing physician, within three miles of the Agricultural and Mechanical College of Alabama in Lee county, whether the said vinous, spirituous or malt liquors are given or delivered for a consideration.

Penalty. SEC. 2. *Be it further enacted,* That any person violating the provisions of the first section of this act is liable to

be indicted therefor, and on conviction must be fined in a sum not less than fifty dollars and not exceeding five hundred dollars; and if he fail personally to pay the fine and costs, he must be sentenced by the court to work on the public highways in Lee county for such time as will, in the opinion of said court, discharge the fine and costs, at the rate of two dollars per day; or he must be imprisoned in the county jail for such time as will pay the fine and costs, at the rate of two dollars per day.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 17, 1874.

No. 240.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Cambridge camp-ground in Limestone county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of spirituous, vinous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Cambridge camp-ground in Limestone county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned in the county jail not more than three months, at the discretion of the court or jury trying the same. Penalty.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not be so construed as to prevent physicians from using spirituous liquors in their practice, or so as to prevent wine from being used for sacramental purposes.

Approved February 23, 1875.

No. 241.]

AN ACT

To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous or intoxicating liquors within three miles of Harmony Church, Limestone county, Alabama.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or intoxicating liquors within three miles of Harmony Church, in Limestone county, Alabama.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars, and may be imprisoned in the county jail not more than three months for each and every offense, one or both, at the discretion of the jury trying the same.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved January 29, 1875.

No. 242.]

AN ACT

To prohibit the sale of spirituous or intoxicating liquors within three miles of Round Island Baptist Church, in Limestone county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person, or persons, to sell, or give away, or barter any spirituous or intoxicating liquors within three miles of Round Island Baptist Church, in Limestone county, Alabama.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty nor more than two hundred dollars, and may be imprisoned in the county jail or put to hard la-

bor for the county for a period not to exceed six months, one or both, at the discretion of the court trying the cause.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing sections shall not be so construed as to prevent physicians from using spirituous liquors in their practice, or prevent one person from giving to another one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or part of a tavern, hotel, store, shop, or other house where public business is carried on or transacted; *Provided*, Such use do not transcend the bounds of temperance or produce intoxication.

How construed.

Approved February 13, 1875.

No. 243.]

AN ACT

To prohibit the sale, gift, or barter, of intoxicating liquors within four miles of Bethany Baptist Church and Colerine Academy, in Lowndes county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the date of the passage of this act, it shall be unlawful for any person, or persons, to sell, give away, or barter, any vinous, spirituous or malt liquors, or any bitters of which any intoxicating liquor is a component part, within four miles of Bethany Baptist Church, and Colerine Academy, in Lowndes county.

Sale of liquors prohibited.

SECTION 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and must, upon conviction, be imprisoned in the county jail or sentenced to hard labor for the county for not less than three nor more than six months, and may also be fined not more than five hundred dollars.

Penalty.

Approved March 15, 1875.

No. 244.]

AN ACT

To amend section one of an act entitled an act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of Hopewell Baptist Church, and the Magnolia Academy, in Lowndes county, approved January 27, 1872.

Recital of act.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of the Hopewell Baptist Church, and the Magnolia Academy, in Lowndes county," approved January 27, 1872, which reads as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person, or persons, to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, except for sacramental purposes, within four miles in any direction from the Hopewell Baptist Church, and the Magnolia Academy, located near Mount Willing, in Lowndes county, Alabama, be and is hereby so amended as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall not be lawful for any person, or persons, to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, except for sacramental purposes, within five miles, in any direction, from the Hopewell Baptist Church, and the Magnolia Academy, located near Mount Willing, in Lowndes county, Ala.

SECTION 2. *Be it further enacted*, That section one of said act, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 15, 1875.

No. 245.]

AN ACT

To prohibit the sale or gift of spirituous or intoxicating liquors within three miles of Ash Creek Methodist Episcopal Church, and Ash Creek Baptist Church, in Lowndes county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell or give away spirituous or intoxicating liquors within three miles of Ash Creek Methodist Episcopal Church, and Ash Creek Baptist Church, in Lowndes county. Sale of liquors prohibited.

SECTION 2. *Be it further enacted,* That any person violating the provisions of the first section of this act shall be guilty of a misdemeanor, and upon conviction be fined in a sum not less than one hundred nor more than three hundred dollars, and imprisoned in the county jail not less than thirty nor more than ninety days, at the discretion of the court trying the same. Penalty.

SECTION 3. *Be it further enacted,* That for each conviction under this act, the solicitor shall be entitled to a fee of fifteen dollars, to be taxed against each defendant; *Provided,* The provisions of this act shall not be held to apply to persons giving away intoxicating or spirituous liquors in their private residences. Solicitor's fee.

Approved December 17, 1874.

No. 246.]

AN ACT

To prohibit the sale of vinous, spirituous or malt liquors within five miles of Ebenezer Baptist Church, in the county of Macon, in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell or give away any spirituous, vinous or malt liquors within five miles of Ebenezer Baptist church, in the county of Macon. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of the preceding section of this act, upon conviction, shall be fined in a sum not

less than fifty nor more than one hundred dollars by the court or jury trying the same.

Approved March 8, 1875.

No. 247.]

AN ACT

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within three miles of Locust Grove Baptist Church, in Madison county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell or otherwise dispose of any vinous or spirituous liquors within three miles of Locust Grove Baptist church, located in the county of Madison.

Penalty. SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars, and on failure to pay the fine shall be imprisoned in the county jail or sentenced to hard labor for the county for not longer time than twelve months, at the discretion of the jury trying the same.

Approved February 19, 1875.

No. 248.]

AN ACT

To prohibit the sale or otherwise disposing of spirituous or vinous liquors within six miles of Laurel Church, in the county of Marengo.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be and is hereby made unlawful for any person or persons to sell or dispose of any spirituous or vinous liquors within six miles of Laurel church, near Shiloh, in the county of Marengo, except for sacramental or medical purposes.

Penalty. SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act shall be guilty

of a misdemeanor, and on conviction thereof shall be fined not less than twenty nor more than one hundred dollars; *Provided*, That the provisions of this act shall not apply to those persons within said district who have paid for and taken out a license to sell liquor until the expiration of said license.

Approved March 18, 1875.

No. 249.]

AN ACT

To prohibit the sale of vinous, spirituous or malt liquors within two miles of the Grange Hall and Church at Oleander, Marshall county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell any vinous, spirituous or malt liquors within two miles of the Grange hall and church at Oleander, Marshall county, Alabama. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars, at the discretion of the court trying the same. Penalty.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 250.]

AN ACT

To prohibit the sale or giving away of spirituous, vinous or intoxicating liquors within two miles of the Methodist Episcopal Church, South, in the town of Citronelle, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the approval of this act any person who sells or gives away any spirituous, vinous or intoxicating liquor within two miles of the Methodist Episcopal church, South, in the town of Citronelle, Alabama. Sale of liquors prohibited.

ronelle, Mobile county, Alabama, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars for each offense; *Provided*, That this act shall not in any way affect the right of any person to sell such liquor under any unexpired license existing at the date of its approval.

Approved March 4, 1875.

No. 251.]

AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and a half miles of Mt. Pleasant Methodist Church and Little River Baptist Church, in Monroe county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the date of the passage of this act it shall be unlawful for any person or persons to sell, give or barter away any spirituous, vinous or malt liquors within two and a half miles of Mt. Pleasant Methodist church and Little River Baptist church, in Monroe county.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and must, upon conviction, be imprisoned in the county jail for not less than three nor more than six months, and fined not less than two nor more than five hundred dollars.

Approved January 29, 1875.

No. 252.]

AN ACT

To prohibit the sale, or giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Bethesda Church and Beulah Baptist church, in Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it

shall be unlawful for any person or persons to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters or other intoxicating beverages, within three miles of Bethesda church and Beulah Baptist church, in Montgomery county. Sale prohibit-
ed.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars, and may be imprisoned in the county jail not exceeding days, at the discretion of the jury or court trying the same. Penalty.

Approved March 18, 1875.

No. 253.]

AN ACT

To prevent the selling or giving away of vinous or spirituous liquors within three miles of Dublin, Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any one to sell or give away vinous or spirituous liquors within three miles of the church or academy at Dublin, Montgomery county. Sale of liquors
prohibited.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than two hundred dollars, at the discretion of the jury trying the same. Penalty.

Approved February 20, 1875.

No. 254.]

AN ACT

To prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist Church, near Thomas H. Phillips' place, in Macon county, and Oak Grove Station, on the Montgomery and Eufaula Rail Road, in Montgomery county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell or otherwise dispose of, except for sacramental purposes, any vinous, spirituous or other intoxicating liquors, within five miles of the following churches, to-wit: The Methodist Church, near Thomas H. Phillips' place, in Macon county, and Oak Grove Station, on the Montgomery and Eufaula Rail Road, in Montgomery county, all in this State.

Penalty. SEC. 2. *Be it further enacted,* That any person guilty of violating this act, shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than fifty dollars, and stand committed till fine and cost are paid or secured.

Approved February 23, 1875.

No. 255.]

AN ACT

To amend an act to prohibit the selling of vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piney Grove Christian Church and school house, in Morgan county, which is in words and figures as follows:

Act recited. "SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell or give away vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piney Grove Christian Church and school house, in Morgan county," be amended by striking out the word three and inserting one,

Amendment. SEC. 2. *Be it further enacted,* That all laws and parts

of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 23, 1875.

No. 256.]

AN ACT

To prohibit the sale of vinous or spirituous liquors within three miles of Tabernacle Church, in Pickens county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell vinous or spirituous liquors within three miles of Tabernacle Church, in Pickens county, from and after the passage of this act. Sale prohibited

SEC. 2. *Be it further enacted,* That any person violating the first section of this act, shall be liable to the pains and penalties prescribed by the statute for retailing without license. Penalty.

Approved March 17, 1875.

No. 257.]

AN ACT

To prohibit the sale, or giving away, of spirituous or vinous liquors within three miles of Richland Baptist Church, in the eastern part of Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous or vinous liquors within three miles of Richland Baptist Church, in the eastern part of Pike county. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars. Penalty.

Approved March 18, 1875.

No. 258.]

AN ACT

To prohibit the sale, giving, or otherwise disposing of vinous, spirituous or malt liquors within three miles of Salem Baptist Church, in Bullock county, Good Hope Colored Church, and the Protestant Methodist Church at China Grove, in Pike county, and Cold Water Methodist Church in Calhoun county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person, or persons, to sell, give away, or otherwise dispose of vinous, spirituous or malt liquors, or any bitters that has intoxicating liquors in them, within three miles of either of the above named churches.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, or may be sentenced to hard labor for the county for not less than two nor more than six months, at the discretion of the court trying the same.

Approved March 18, 1875.

No. 259.]

AN ACT

To prohibit the sale or giving away of spirituous or vinous liquors in one mile of Spring Hill Church in Pike county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell or give away any vinous or spirituous liquors within one mile of Spring Hill Church in Pike county, Alabama.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars, and sentenced to hard labor for the county not less than three months, at the discretion of the court trying the same.

Approved February 25, 1875.

No. 260.]

AN ACT

To prevent the sale of spirituous or vinous liquors within two miles from the Masonic Lodge known as the Harrison Lodge, number two hundred and forty-six.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, ^{Sale of liquors prohibited.} no person shall sell any spirituous or vinous liquors within two miles of the masonic lodge known as the Harrison Lodge, number two hundred and forty-six, in Pike county, Alabama, except for medicinal purposes.

SEC. 2. *Be it further enacted*, That any person or ^{per-Penalty.} sons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail for six months, one or both, at the discretion of the court trying the same.

Approved December 17, 1874.

No. 261.]

AN ACT

To amend section one of "An act to prevent the sale of spirituous liquors within one and a half miles, in any direction, of the academy in the town of Roanoke, Randolph county, Alabama," approved February 17, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to prevent the sale or otherwise disposing of spirituous or malt liquors within one and a half miles, in any direction, of the academy in the town of Roanoke, Randolph county, Alabama," approved February 17, 1873, which is in words and figures as follows: "Section 1. ^{Act recited.} Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person or persons to sell, or otherwise dispose of any spirituous, vinous or malt liquors, except for medical purposes, within one and a half miles, in any direction, of the academy in the town of Roanoke, Randolph county, Alabama,"—be amended so as to read as fol-

Amendment.

lows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person or persons to sell, or otherwise dispose of any spirituous, vinous or malt liquors, except for medical purposes, within five miles, in any direction, of the academy in the town of Roanoke, Randolph county, Alabama.

SEC. 2. *Be it further enacted*, That said section 1 of said act, as it read before the passage of this act, be and the same is hereby repealed.

Approved March 17, 1875.

No. 262.]

AN ACT

To prohibit the sale or giving away of spirituous liquors within three miles of R. J. Wood's copper mine, at Stonehill, on the line of Randolph and Cleburne counties.

Sale of liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous liquors within three miles of R. J. Wood's copper mine, at Stonehill, on the line of Randolph and Cleburne counties, except for medicinal purposes.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not more than sixty days, one or both, at the discretion of the jury trying the same.

Approved March 8, 1875.

No. 263.]

AN ACT

To prohibit the sale or giving away of vinous or spirituous liquors within one and a half miles of Macedonia, Forrister's Chapel, and Mount Zion churches, and also within two miles of Mount Morris church, all in Randolph county.

SECTION 1. *Be it enacted by the General Assembly of* ^{Sale of liquors} *Alabama,* That from and after the passage of this act it ^{prohibited.} shall be unlawful for any person or persons to sell, give away, or otherwise dispose of vinous or spirituous liquors within one and a half miles of Macedonia, Forrister's Chapel, and Mount Zion churches; and also within two miles of Mount Morris church, all in Randolph county.

SEC. 2. *Be it further enacted,* That any person or persons ^{Penalty.} violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each offense, and may be imprisoned in the county jail not exceeding sixty days, at the discretion of the court or jury trying the same.

SEC. 3. *Be it further enacted,* That the provisions of ^{How constru'd} the foregoing section shall not be so construed as to prohibit physicians from prescribing spirituous liquors of any kind in their practice, or the use of wines for sacramental purposes; nor shall they be so construed as to prohibit the manufacture, use, or disposal in any way of domestic wines; nor further, so as to prohibit one person from giving to any other person one or more drinks of such liquor in his private residence, if such residence is not in any way connected with or a part of a hotel, store, shop, or other house where public business is carried on or transacted; *Provided,* Such use is restrained within the limits of temperance.

Approved February 13, 1875.

No. 264.]

AN ACT

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors within one mile of Houston's Cross Roads in Russell county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or intoxicating liquors within one mile of Houston's Cross Roads in Russell county.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, and may be confined in the county jail for not more than thirty days for each and every offense, one or both, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 18, 1875.

No. 265.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of Mount Pisgah Baptist church in St. Clair county.

Sale of liquors
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to give away or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one and a half miles of Mount Pisgah Baptist church in St. Clair county; *Provided,* That this act shall not be so construed as to prevent physicians from prescribing spirits for medicinal purposes; *Provided further,* That it shall not abridge the right and privilege of any person or persons

to use or give away any of the above described liquors at his or her private residence.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars, at the discretion of the jury trying the same. Penalty.

Approved March 18, 1875.

No. 266.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two and a half miles of the Coosa Valley Baptist Church, in the county of St. Clair.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or any intoxicating bitters, within two and a half miles of the Coosa Valley Baptist church, in the county of St. Clair; *Provided*, That this act shall not be so construed as to prevent physicians from prescribing spirits for medical purposes; *Provided further*, That it shall not abridge the right and privilege of any person or persons to use or give away any of the above described liquors at his or her private residence. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than two hundred dollars, at the discretion of the jury trying the same. Penalty.

SEC. 3. *Be it further enacted*, That the solicitor shall be entitled to twenty dollars for the conviction of each defendant for a violation of the foregoing sections of this act, to be taxed as cost against each defendant so convicted.

Approved March 15, 1875.

No. 267.]

AN ACT

To prohibit the sale or otherwise disposing of intoxicating liquors within one and one-quarter of a mile of Ashville depot, on the A. & C. Railroad, in St. Clair county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of spirituous, vinous or malt liquors, or intoxicating bitters, in any quantity, within one and one-quarter of a mile of Ashville depot, on the Alabama and Chattanooga Railroad, in St. Clair county.

Penalty. SEC. 2. *Be it further enacted,* That for every violation of the provisions of this act, the offender, on conviction, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail not less than three months nor more than twelve months, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted,* That for each conviction under this act the solicitor shall be entitled to a fee of one hundred dollars.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 23, 1875.

No. 268.]

AN ACT

To prohibit the manufacture, sale or other disposition of spirituous, vinous or malt liquors, or bitters, within two miles of Talladega Springs, located in the county of Talladega.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to make, sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or bitters, within two miles of Talladega Springs, located in the county of Talladega.

SEC. 2. *Be it further enacted,* That any person vio-

lating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, at the discretion of the jury trying the same. ^{Penalty.}

Approved December 17, 1874.

No. 269.]

AN ACT

To prohibit the sale of vinous or spirituous liquors within two miles of Bethlehem Baptist Church, in Tallapoosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give or in any way dispose of any vinous or spirituous liquors within two miles of Bethlehem Baptist church, near Newsite, in Tallapoosa county. ^{Sale of liquors prohibited.}

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall, on conviction for the first offense, be fined in the sum of not more than fifty nor less than ten dollars, and be placed to hard labor for the county for not more than six nor less than one month, at the discretion of the jury trying the same. ^{Penalty.}

Approved March 17, 1875.

No. 270.]

AN ACT

To amend section one of an act entitled "An act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill Church, in Tallapoosa county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of "An act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county," which said section is in words and figures as follows, to-wit:

Section recited "Sec. 1. Be it enacted by the General Assembly of Alabama, That hereafter it shall be unlawful for any person to sell any spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county,"—be so amended as to read as follows, to-wit:

Penalty. Sec. 1. Be it enacted by the General Assembly of Alabama, That hereafter it shall be unlawful for any person or persons to sell or give away any spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county; *Provided*, The provisions of this section shall not extend to any part of the vicinity or territory west of the Savannah and Memphis railroad, in said county.

SEC. 2. *Be it further enacted*, That said first section of said act be and the same is hereby repealed.

Approved January 16, 1875.

No. 271.]

AN ACT

To prohibit the selling or giving away of vinous or spirituous liquors within three miles of Liberty Hill Baptist Church and Fairview Methodist Church, in Walker county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell or give away any vinous or spirituous liquors within three miles of Liberty Hill Baptist church and Fairview Methodist church, in Walker county, Alabama.

Penalty. SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty nor more than five hundred dollars, and may be also imprisoned in the county jail for not more than three months.

Approved January 29, 1875.

No. 272.]

AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within two miles of the academy, in the town of Jasper, Walker county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person to sell, give away or barter any vinous, spirituous or malt liquors, or any bit- Sale of liquors prohibited. ters of which any intoxicating liquor is a component part, within two miles of the academy, in the town of Jasper, Walker county, Alabama.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be guilty of a mis- Penalty. demeanor, and on conviction shall be fined in a sum not less than fifty nor more than two hundred dollars, and may also be imprisoned in the county jail for not more than three months.

SEC. 3. *Be it further enacted,* That all laws in conflict with this act are hereby repealed.

Approved December 14, 1874.

No. 273.]

AN ACT

To prevent the sale of spirituous or vinous liquors within two miles of any church in the county of Washington, on days of public worship.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful to sell or otherwise dispose of spirituous or vinous liquors in any quantity, Sale of liquors prohibited. at any house or place whatever, at or within two miles of any church in the county of Washington, at any time of the day on which religious meetings or assemblages for religious worship are held at such church.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be deemed guilty of a Penalty. misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than two hundred dollars.

Approved February 25, 1875.

No. 274.]

AN ACT

To prohibit the sale of vinous or spirituous liquors within two miles of Snow Hill Depot, and within two miles of Bethsaida Baptist Church, near Snow Hill Depot, in Wilcox county, Alabama.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, barter or give away any spirituous, vinous or intoxicating liquors at or within two miles of Snow Hill Depot, or at or within two miles of Bethsaida Baptist Church, near Snow Hill Depot, in Wilcox county, Alabama.

Penalty. SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof be punished by fine not exceeding one hundred dollars for each offense, and may be imprisoned in the county jail for a period not exceeding thirty days, at the discretion of the court trying the same.

Approved February 13, 1875.

No. 275.]

AN ACT

To prohibit the sale of spirituous or vinous liquors within two miles of Pinckneyville Academy, in Clay county, and Liberty Methodist Church, in Tallapoosa county.

Sale of liquors prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the first day of January, eighteen hundred and seventy-five, (1875,) it shall be unlawful for any person, or persons, to sell, or give away, or otherwise dispose of in any way, any vinous or spirituous liquors within two miles of Pinckneyville Academy, in Clay county, and within two miles of Liberty Methodist Church, in Tallapoosa county.

Penalty. SEC. 2. *Be it further enacted,* That any person, or persons, violating the provisions of this act, shall, upon conviction of each offense, be fined not less than twenty-five dollars and not more than one hundred dollars, or be confined in the county jail not less than one nor more

than three months, or placed at hard labor for the county not less than one nor more than three months, at the discretion of the court trying the same.

Approved December 18, 1874.

No. 276.]

AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors in beat seven of the county of Choctaw.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for any person, or persons, to sell or give away any spirituous, vinous or malt liquors in beat seven, of the county of Choctaw, except upon the prescription of a physician. Sale of liquors prohibited.

SEC. 2. *Be it further enacted*, That any person, or persons, violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars. Penalty.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 17, 1874.

No. 277.]

AN ACT

To prescribe the mode of granting license to sell intoxicating liquors in the county of Choctaw.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for the judge of probate of Choctaw county to grant a license to any person, or persons, to sell intoxicating liquors in said county, in any quantity, unless the applicant for license shall file in the office of the judge of probate of said county of Choctaw, the written consent to the granting of said license, signed by a majority of the citizens, free holders, living within four miles of the place at which the applicant proposes to sell.

SEC. 2. *Be it further enacted*, That any judge of probate of the county of Choctaw, issuing license in violation of the provisions of the foregoing section of this act, shall be guilty of a misdemeanor, and upon conviction by any court trying the same, shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 3. *Be it further enacted*, That the foregoing sections shall not be so construed as to effect, or repeal, any special act prohibiting the sale of intoxicating liquors in the county of Choctaw.

Approved March 8, 1875.

No. 278.]

AN ACT

To prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following churches in Cherokee county, viz: Bethel Church, Mount Pleasant Church, Mountain Spring Church, Cornel Church and Cedar Bluff Church, and also within five miles of Wilsonville and Harpersville, in Shelby county.

Issuance of license prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for Cherokee county to issue any license to any person to sell any vinous, spirituous or intoxicating liquors within the limits of five miles of the following churches, to-wit: Bethel church, at Wade's Cross Roads; Mount Pleasant church, near John J. Smith's; Mountain Springs church, near Coloma; Cornel church, at Spring Garden, and Cedar Bluff church, all in Cherokee county; and also within five miles of Wilsonville and Harpersville, in Shelby county.

Sale prohibited.

SEC. 2. *Be it further enacted*, That any person who shall sell or otherwise dispose of, by wholesale or retail, any such vinous or spirituous liquors, contrary to the true intent and meaning of this act, within the limits of five miles of any of the above designated churches and places, shall be deemed guilty of a misdemeanor, and on conviction fined in a sum not less than fifty dollars, and stand committed till fine and costs are paid or secured.

Approved March 20, 1875.

No. 279.]

AN ACT

To prohibit the sale or giving away of spirituous, vinous or intoxicating liquors in and within two miles of the town of Rehoboth, in Wilcox county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell or give away any spirituous, vinous or intoxicating liquors in or within two miles of the town of Rehoboth, in Wilcox county, except for medicinal purposes. Sale of liquors prohibited.

SEC. 2. *Be it further enacted,* That any person or persons violating this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars for each offense, and may be imprisoned in the county jail not to exceed twenty days, at the discretion of the court trying the same.

Approved March 20, 1875.

No. 280.]

AN ACT

To incorporate the town of Cullman, in the county of Blount.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Cullman, in the county of Blount, be and the same is hereby incorporated, and that the corporate limits and boundaries shall be and the same are hereby designated and established as follows: Commencing in the north-west corner of section fifteen (15), township ten (10), range three (3) west, the north end of fourth avenue west running east to the sixth avenue, east with the section line of said section, thence down said sixth avenue east to tenth street, thence west said tenth street to sixth avenue west, thence north said sixth avenue to the section line to the point of commencing. Incorporated.
Corporate limits.

SEC. 2. *Be it further enacted,* That the corporation of the town of Cullman shall consist of a mayor and six councilmen, and shall be known and styled as the mayor and council of the town of Cullman, and by their Government.

May sue and be sued, &c. corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold property within the corporate limits of said town of Cullman to the amount of two thousand dollars for the use and common benefit of said incorporation, real, personal and mixed property, or dispose of the same, and use a common seal, which may be broken or altered at pleasure.

SEC. 3. *Be it further enacted*, That an election shall be held in said town on the first Monday in April, 1875, and annually thereafter on the same day, for the purpose of electing a mayor and six councilmen, who shall be resident housekeepers or freeholders within the limits of the town, and citizens of the State of Alabama, and that the mayor shall have resided one year within the corporate limits previous to the election, and councilman six months.

SEC. 4. *Be it further enacted*, That said election shall be held by any three freeholders of said town upon giving ten (10) days notice of the same, by notices posted on three different public places in said town, at which election all persons living within the boundaries of said town one month previous to said election, and who are entitled to vote at general elections, shall be entitled to vote.

SEC. 5. *Be it further enacted*, That in all future elections, after the first election herein provided for, the mayor for the time being shall give thirty (30) days notice in some newspaper published in said town or county, or by notice posted on three different public places in said town, of the time and place of holding said election, which must be held in the town of Cullman according to laws governing elections in this State.

That the mayor shall appoint inspectors and returning officers, who shall at the same time act as register of voters, and that the mayor shall have full power and authority to keep order at said elections and to commit to the jail of the county, or the town jail or lock-up, for a time not exceeding forty-eight (48) hours, any person or persons who shall make or attempt to make any disturbance at the place or places where such election is being held, so as to interfere with the peaceable and orderly conducting of said election; and if there shall be an equal number of votes between any two or more persons who shall have been voted for at said election, and

the choice of mayor and councilmen, or either of them, is prevented thereby, the said mayor at the time being shall declare the facts, and shall issue notice in the same manner and form as is required by this act for the regular election for a new election to fill the vacancies occasioned by those persons having an equal number of votes.

SEC. 6. *Be it further enacted*, That if any election herein provided for shall be contested, it shall be decided before the judge of the Blount county circuit court, and shall be governed by the laws of this State providing for contested elections. Elect'n contest

SEC. 7. *Be it further enacted*, That when any vacancy or vacancies shall happen in the board of mayor and councilmen by death, ineligibilities, resignation or otherwise, such vacancies or vacancy shall be filled by the board, and the member or members so added shall continue in office until the next succeeding annual election. Vacancies,

SEC. 8. *Be it further enacted*, That said corporation shall have power to pass by-laws and ordinances necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town, to prevent and remove nuisances, to prevent and punish breaches of the peace, establish, alter and establish new streets and alleys, with the consent of the proprietors of lots on which they pass, to clear and remove obstructions from and keep in repair the streets and alleys of said town, to have a general superintendence over the public springs and wells in said town, to erect and regulate markets, and preserve and provide for the public buildings and property in said town, and the said corporation shall have full power and authority to provide for licensing and levying taxes, to alter, amend, repeal or revoke at pleasure any by-laws, and put in execution all such as may be in force not inconsistent with the constitution and laws of this State. The said corporation shall have power to appoint a treasurer, a marshal, and as many other subordinate officers as they may think necessary. Corp'rate powers.
Health.
Nuisances.
Breaches of the peace.
Streets.
Springs and wells.
Markets and pub. buildings
Taxes and licenses.
Treasurer.
Marshal.
Other subordinate officers.

SEC. 9. *Be it further enacted*, That the treasurer and marshal, each of them, shall give bond with sufficient securities in such an amount as shall be determined by the corporate authorities for the faithful performance of their duties, which bond shall be filed in the office of the clerk of the circuit court of Blount county. That it Bonds of officers.
How filed.

- Duties of marshal. shall be the duty of said marshal to superintend the public works, arrest offenders, collect fines, pay over the same to the council, and to do and perform all other such duties as the council may impose and the good order of said town may require. That it shall be the duty of the treasurer to receive all moneys, pay out the same on warrants, examined and approved by the council and signed by the mayor, keep books showing the amounts of receipts and disbursements. That said officers are to be paid for their services alone out of the money arising from fines, not exceeding one hundred and fifty dollars (\$150) per annum, and that they shall receive all such fees as are allowed by the laws of this State in civil and criminal cases, and to be punished for neglect of duty by imposing such fines, not exceeding fifty dollars, as the mayor and council may deem necessary, and the same to be collected as provided by the laws of this State.
- Duties of treasurer. of the treasurer to receive all moneys, pay out the same on warrants, examined and approved by the council and signed by the mayor, keep books showing the amounts of receipts and disbursements. That said officers are to be paid for their services alone out of the money arising from fines, not exceeding one hundred and fifty dollars (\$150) per annum, and that they shall receive all such fees as are allowed by the laws of this State in civil and criminal cases, and to be punished for neglect of duty by imposing such fines, not exceeding fifty dollars, as the mayor and council may deem necessary, and the same to be collected as provided by the laws of this State.
- Salaries of officers. from fines, not exceeding one hundred and fifty dollars (\$150) per annum, and that they shall receive all such fees as are allowed by the laws of this State in civil and criminal cases, and to be punished for neglect of duty by imposing such fines, not exceeding fifty dollars, as the mayor and council may deem necessary, and the same to be collected as provided by the laws of this State.
- Fees. fees as are allowed by the laws of this State in civil and criminal cases, and to be punished for neglect of duty by imposing such fines, not exceeding fifty dollars, as the mayor and council may deem necessary, and the same to be collected as provided by the laws of this State.
- Clerk. SEC. 10. *Be it further enacted*, That said mayor and councilmen shall appoint one of their body a clerk, whose duty it shall be to keep a fair and correct record of their proceedings, and to publish all the by-laws and ordinances by advertisement at three public places in said town, or in any newspaper in said town or county; that the said records shall be open at all times to the qualified voters in said corporate limits, and said clerk shall be required to make and publish a quarterly report of all moneys collected and disbursed by said corporation. That he shall receive for his services as clerk the sum of not over one hundred and fifty dollars per annum, exclusive of all stationery, &c., which has to be so furnished by the corporate authorities.
- Record. of their proceedings, and to publish all the by-laws and ordinances by advertisement at three public places in said town, or in any newspaper in said town or county; that the said records shall be open at all times to the qualified voters in said corporate limits, and said clerk shall be required to make and publish a quarterly report of all moneys collected and disbursed by said corporation. That he shall receive for his services as clerk the sum of not over one hundred and fifty dollars per annum, exclusive of all stationery, &c., which has to be so furnished by the corporate authorities.
- By-laws and ordinances. that the said records shall be open at all times to the qualified voters in said corporate limits, and said clerk shall be required to make and publish a quarterly report of all moneys collected and disbursed by said corporation. That he shall receive for his services as clerk the sum of not over one hundred and fifty dollars per annum, exclusive of all stationery, &c., which has to be so furnished by the corporate authorities.
- Records. that he shall receive for his services as clerk the sum of not over one hundred and fifty dollars per annum, exclusive of all stationery, &c., which has to be so furnished by the corporate authorities.
- Salary. SEC. 11. *Be it further enacted*, That the mayor and marshal shall be respectively justice of the peace and constable during the time they may continue in office within the limits of said town for the purpose of carrying into effect the by-laws and ordinances of the said town of Cullman, and in addition to their jurisdiction as mayor and marshal as aforesaid they shall have all the civil and criminal jurisdiction, power and authority of a justice of the peace and constable in and for said county of Blount.
- Mayor & marshal ex officio justices of the peace. SEC. 12. *Be it further enacted*, That the mayor and councilmen of said town shall, before entering upon the discharge of their duties, take an oath faithfully and
- Jurisdiction. discharge of their duties, take an oath faithfully and
- Oath of office. discharge of their duties, take an oath faithfully and

impartially, without fear, favor or affection, to discharge the same, together with the oaths of office required by the constitution of the State, which shall be administered by the judge of probate, or any justice of the peace, or by the mayor of the town, and filed in the office of the judge of probate of Blount county.

SEC. 13. *Be it further enacted*, That the inhabitants of the town of Cullman within the corporate boundaries of said town shall be exempt from working on public roads and highways out of the corporation. But the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town, either by levying a street tax or having the streets worked by the male inhabitants, but not more than ten days in the year, and not more than two days at any time. The mode of warning the inhabitants to work said streets and highways shall be the same as provided for in the Code of Alabama.

Inhabit'nts exempt from road duty.
Liable to work streets.

SEC. 14. *Be it further enacted*, That at the first election herein provided for the sheriff of said Blount county shall advertise it and hold it, and conduct the same by appointing three householders or freeholders to conduct the same.

Mode of conducting first election.

SEC. 15. *Be it further enacted*, That the sale of spirituous or malt liquors by wholesale or retail shall not be prohibited within the corporate limits of said town, where the person or persons engaged in said traffic or about to engage in it shall have first procured a license therefor from the State and county, and also a license from the corporation, which said corporation license shall in all cases be regulated by the State license in similar cases, and in no case exceed the tax imposed by the revenue laws for the benefit of the State; *Provided*, That no apothecary, druggist or physician selling spirituous or malt liquors strictly for medical purposes shall in any wise be taxed by said corporation for selling same.

May license retailers and wholesale dealers in whisky.
Druggists.

SEC. 16. *Be it further enacted*, That manufacturing companies organized within the corporate limits, and who, carrying on their business within the limits of the same, shall be free from all the corporation taxation for the first three (3) years from their organization.

Manuf'g companies exempt from taxation.

SEC. 17. *Be it further enacted*, That no person shall be eligible to the office of mayor or councilman aforesaid unless he be a citizen of lawful age and resident

Eligibility of mayor.

within the corporate limits of the said town, as described in this act, at the time of his election.

Approved March 6, 1875.

No. 281.]

AN ACT

To incorporate the town of Midway in the county of Bullock.

Incorporated. **Corporate limits.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Midway in Bullock county be and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of one mile, the marginal lines of which shall be equidistant, north, south, east, and west from the present academy of said town.

Elections. **Tie.** SEC. 2. *Be it further enacted,* That on the first Monday in March, A. D. 1875, and on the same day of each and every year thereafter, an election for intendant and four councilmen, and one marshal be held by the qualified electors, who shall serve for the term of one year thereafter, and until their successors are elected and qualified. The persons receiving the highest number of legal votes for councilmen will be elected councilmen, and the person receiving the highest number of legal votes for marshal will be elected marshal; and in case of a tie, the three inspectors shall decide by casting a second vote.

Polls. **Electors.** **Eligibility of intendant, &c.** SEC. 3. *Be it further enacted,* That the polls in said election shall be open at eleven o'clock A. M. of said Monday in March, and that all male residents over the age of twenty-one years who have resided within said corporate limits ten days next preceding said election shall be qualified electors; that no person shall be eligible to the offices of intendant, councilmen, or marshal, who has not resided within said corporate limits for six months next preceding said election.

Managers of elections. **Manner of conducting elections.** SEC. 4. *Be it further enacted,* That the election shall be managed by two councilmen and clerk, who shall, before opening the polls, prepare a tally sheet upon which they shall enter every voter's name after numbering his ballot, the first being one, the second two, and so on until the last ballot is taken; and when the polls are closed they shall count the ballots, compare them with the tally

sheet, and give to each party elected a certificate of election, which shall be his authority for performing the duties enjoined upon him by this act; and the said tally sheet and ballots shall be placed in the possession of the intendent and council by the said inspectors, which shall be kept by them for reference and inspection by the parties interested.

SEC. 5. *Be it further enacted*, That the name and style of said corporation shall be "Town council of Midway," and by this act made a body corporate and politic under said name, under and by which name and style, and acting by and through the proper officers, all corporate powers and privileges of said town by this act granted shall be executed and carried into effect as required; under its name aforesaid the said town may sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, and hold, sell, grant, alien, mortgage, both real and personal property, and may have and use a common seal, which may be changed at pleasure, and may do and perform all acts incident to such corporations not inconsistent with the laws of this State. Style of corporation.
Corp'rate powers.
May sue and be sued.

SEC. 6. *Be it further enacted*, That the officers provided for by this act, before entering upon the duties of their offices, shall subscribe to the oath of office prescribed by the constitution of this State. Oath of office.

SEC. 7. *Be it further enacted*, That the said council shall have power to appoint a clerk, who shall enter into bond with good and sufficient surety, in such sum as the council may direct, to be approved by the said intendant; that the marshal provided for by this act shall also enter into bond with good and sufficient sureties, in such sum as the council may direct, to be approved by the said intendant; and they shall each receive such compensation as the council may deem necessary. May appoint a clerk.
Official bonds.

SEC. 8. *Be it further enacted*, That the said town council shall have power and authority to pass all such by-laws as may be deemed necessary and proper for its government, and for the protection and morals of the town; to remove all nuisances at the expense of those creating the same. May pass by-laws.

SEC. 9. *Be it further enacted*, That the said town council shall have full power and authority to license, tax, regulate, and restrain all shows and theatrical performances, lectures and exhibitions of any and all kinds; to Additional powers.
Shows, peddlers, lotteries, &c.

license or tax peddlers in said town; to tax all gift enterprises, raffles, lotteries and associations; to prohibit and suppress gaming and gambling houses, and to tax and license auctions and auctioneers in said town; *Provided*, That the same shall not apply to sales made under judgment or decree of any court, mortgage, administrator's or executor's; to license and regulate drays, hacks, and carriages and vehicles of any and all kinds running in said town to hire; to license and tax hotels, barber shops, eating saloons; to open new streets and alleys, and to keep all streets and alleys in repair; to license and tax all livery and sale stables, practicing lawyers and physicians, and dentists; and to license and tax all professions, trades, occupations and callings not herein specifically enumerated which are taxed by the laws of this State; and such town council shall have full power and authority to enforce, alter and repeal the provisions of their ordinances.

Auctions.
Proviso.
Hacks, hotels, &c.
Streets, livery stables, lawyers, &c.
Professions and trades.
Duties of marshal and clerk.

SEC. 10. *Be it further enacted*, That the town council shall have full power and authority to prescribe the duties of the marshal and clerk of said town, to remove them from office for proper causes, to be judged by the said town council.

Fines.
Mode of collection.

SEC. 11. *Be it further enacted*, That said town council shall have full power and authority to levy such fines for the breach of their by-laws and ordinances, not exceeding fifty dollars, as they may deem proper, and enforce and collect the same in such manner as prescribed by their ordinances, by executions against the property of the defendant, or by imprisonment in the common guard-house of the town for not longer than twenty days, or by putting the offender at work on the streets of said town, under the charge and custody of the marshal, for not longer than ten days.

May enforce attendance of witnesses.

SEC. 12. *Be it further enacted*, That said town council shall have power to enforce the attendance of witnesses in any matter before them in the same manner as justices of the peace have in this State.

Revenue.
May license retailers.

SEC. 13. *Be it further enacted*, That said council shall have power and authority to assess, levy and collect annually, within its limits, all the revenue necessary for its government, as follows: That the town council shall have full power to tax or license parties selling whisky in quantities of one quart or more, in an amount not more than one hundred and fifty dollars, or one per cent. on amount

of gross amount of sales; and to tax merchandise and stocks in trade, not otherwise taxed, not more than one half of one per cent. on greatest amount of stock at any one time; and a tax of one-half of one per cent. on all personal and real property, not otherwise taxed, according to its true value.

Tax on merchandise.

Realty and personalty.

SEC. 14. *Be it further enacted*, That said town council, for the purpose of causing a fair and equal assessment of the taxable property of said town to be made, shall have power and authority to appoint a board of assessors, to consist of one of the officers of said town, and to be resident land owners, whose duty it shall be to make an assessment under oath of all the real estate in said town, and the same to return to the said town council; and the person appointed by said town council, for the purpose of assessing all other taxable property than realty, shall have authority to receive from every person liable to tax in said town, his or her declaration under oath of every item and particular upon which such person is liable to be taxed, together with its valuation at and within the time appointed by the council, in the same manner and with same restrictions as apply to the regular State and county assessment list, the same to be referred to the council, who shall make a fair assessment; the said assessment to be turned over to the intendant of said town, who shall cause at least ten days notice, by notice posted, that assessments are closed, and the time when the council will hear and determine complaints. And it shall be the duty of the council to correct errors and supply omissions or deficiencies in such assessments, and when the same shall have been passed upon and approved by the intendant, it shall have the effect of a judgment at law, and execution may issue thereupon and be collected by levy and sale of property; and sales made under and by virtue of such assessments shall convey to the purchaser the same titles as sales of property for State and county taxes, and the clerk shall give to the purchaser a deed of conveyance which shall vest in the purchaser the same interest that was held by the person against whom the tax was assessed at the time of assessment; and when the owner is unknown, the entire equitable and legal interest in such real estate; *Provided*, That when tax is assessed upon property the owner of which is unknown, ninety days notice of sale, specifying the property and the tax, shall be given in some news-

Board of assessors.

Duties.

Assessment.

Complaints.

Errors and omissions.

When assessment approved has force of judgment.

Sales convey title.

When owner unknown.

Proviso.

Right of redemption.

paper; *And provided further*, That the owner of any real estate sold for taxes shall have the right to redeem the same by paying to the clerk of said town, for the party interested, the amount of the purchase-money, with interest at twenty-five per cent. per annum from the date sale; but the provisions of this act shall not operate against infants and lunatics.

Infants and lunatics.

Intendant ex officio justice of the peace.

SEC. 15. *Be it further enacted*, That the intendant of said town shall be, upon taking the oath of office and giving bond as required of justices of the peace and notaries public, hereby invested *ex officio* with, and may exercise in said town all power and authority that belongs to justices of the peace and notaries public; and

Marshal ex officio constable.

the marshal of said town shall be, *ex officio*, a constable for the purpose of performing the duties of said office in said town, and as marshal have authority to arrest, without warrant, all violators of the ordinances and by-laws of the said town, and to hold them in custody, or release them from actual custody on their entering into bond with security to appear before and answer said council at its next regular meeting, and such bond shall be recoverable, if forfeited, in the same manner as bonds for the appearance of a defendant in the circuit court, which amount, when collected, shall be paid into the town treasury.

Arrests.

Bonds.

Inhabit'nts exempt from road duty, &c.

SEC. 16. *Be it further enacted*, That the inhabitants of said town shall be exempt from working on roads and highways out of said town, but the streets and alleys of said town shall be kept in repair by said town.

Debts.

SEC. 17. *Be it further enacted*, That all just claims and demands of every description now existing against said town, under its present organization, shall be owing and payable under this act.

Duties of intendant.

SEC. 18. *Be it further enacted*, That it shall be the duty of the intendant to preside at all the meetings and keep order, and may call special meetings of the same when in his opinion it is necessary; he shall hear and determine upon all causes for the breach of the ordinances and by-laws under the regulations established by such council, and may receive such fees and salary, if any, as may be prescribed by the town council. In the absence or inability of the intendant, the council may select one of their number intendant *pro tempore*, who shall have power and authority the same as belongs to the intendant. The councilmen may call a meeting, and a

Fees and salaries.

Intendant pro tempore.

majority of the aggregate number of the board shall form a quorum for business. The town council shall have full power to fill vacancies in their own body. Quorum.

SEC. 19. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 6, 1875.

No. 282.]

AN ACT

To authorize the mayor and aldermen of the town of Gadsden to lay off the limits of said town into five wards, define the number and mode of selection of officers, their powers and duties, with authority to increase or diminish the corporate limits of said town by a majority vote of the legally authorized voters of said town, and for other purposes in said act mentioned.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and aldermen of the town of Gadsden may divide or lay off the corporate limits of said town into five (5) wards, prescribing the boundaries thereof, and at any election for officers under this charter each ward shall be entitled to one (1) alderman. Town to be divided into five wards.
Each ward entitled to one alderman.

SEC. 2. *Be it further enacted*, That the government of said corporation shall consist of, and its corporate powers shall be exercised by, a mayor and five (5) aldermen, who shall be elected on the first Monday in March, and annually thereafter by ballot by the male inhabitants of said corporation of over the age of twenty-one (21) years, and who have resided therein six (6) months next preceding such election, and have paid the corporation tax that may have been assessed against them. Said election shall be held under and by direction of the sheriff of Etowah county, at the court house in Gadsden. Said sheriff shall give ten (10) days notice of said election by publication in a newspaper published in Gadsden, or by posting a notice thereof at the court house door, and he shall appoint three (3) inspectors and one returning officer, and he shall conduct said election in the same manner as an election for members of the general assembly. Government.
Annual elections.
Electors.
Election held under sheriff of county.
Notice.
Inspectors to be appointed.

- Certify result.** The inspectors shall certify the result of the poll, and the returning officer shall make the return of the poll to the judge of probate, who shall declare the election, giving the casting vote, if any two (2) or more shall have an equal number of votes, and give to the persons elected certificates of election. The persons so elected shall, before entering upon the duties of their respective offices, take, before the judge of probate or the circuit clerk of Etowah county, an oath to discharge without favor or partiality the duties of their respective offices, as the case may be. The said mayor and aldermen continue in office for one (1) year from the date of their election and until their successors are elected and qualified. If for any cause an election should not be had on the regular day in any year for mayor and aldermen the said sheriff shall, as soon as practicable, appoint another day for holding such election, not more than thirty (30) days after such regular day, of which he shall give the like notice, and on the day so appointed shall open and hold such election in the manner above provided; and if from neglect or failure of the sheriff, or from any other cause, an election for mayor and aldermen should not be held on the regular day therefor nor within thirty (30) days thereafter, as above provided, then the mayor of Gadsden shall appoint a day for holding such election, not more than sixty (60) days after such regular election day, of which he shall give the same notice; and on the day so appointed shall hold the election in the same manner as above provided, and for the purpose of holding and completing such election the mayor shall be invested with all the powers and subject to all the duties of the sheriff as above set forth.
- Returning officer makes return to probate judge.**
- Oath of office.**
- In case of failure to hold electi'n on regular day another appointed.**
- Notice given.**
- When sheriff neglects or fails mayor to hold election.**
- Eligibility of mayor and aldermen.**
- Ballots sealed up and preserved for 20 days. If no contest, then destroyed.**
- SEC. 3.** *Be it further enacted,* That no person shall hold the office of mayor or alderman who has not resided within the town one year next preceding the election at which he was elected, and is not a free holder in said town and has not paid his town taxes.
- SEC. 4.** *Be it further enacted,* That the ballots cast at an election held under this act shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the marshal, who shall preserve them for twenty (20) days after the result of such election is declared, and then if there be no contest the marshal shall cause them to be burnt in the presence of the

mayor and aldermen, but in the event of a contest they shall be delivered to the judge trying the same.

SEC. 5. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of a probate judge, and all the provisions of such law in relation to the contesting of the election of a probate judge shall, so far as the same is or may be applicable, apply to contest of any election held under this act. Contest.
Manner of contest.

SEC. 6. *Be it further enacted*, That if the mayor or any alderman, during his term of office and after qualifying, shall die, resign or remove from the corporation or from the ward in which he was elected, or should he refuse to act, the remaining members of the board shall, by ballot, elect in his stead another mayor or alderman, who shall have the qualification prescribed in a preceding section of this act, and he shall continue in office during the remainder of the term and until his successor is elected and qualified, and if any person elected mayor or alderman by the qualified electors of this corporation at any election held under this act shall fail or refuse to qualify the sheriff shall, after giving ten (ten) days notice by advertisement in the town paper or by posting at the court house door, proceed to hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and aldermen. Vacancies, how filled.
Upon failure to qualify a new election ordered.

SEC. 7. *Be it further enacted*, That the aldermen shall be judges of the qualification of the mayor and the remaining aldermen shall be judges of the qualification of any alderman. Judges of the qualifications of mayor or alderman.

SEC. 8. *Be it further enacted*, That the board of mayor and aldermen, if they deem it expedient, may provide for the registration of the persons entitled to vote at the municipal elections held under this act, which registration shall be made at such times and under such rules and regulations as the board may provide. The provisions of section 12, 13 and 14 of "an act to provide for the registration of electors," approved October 5th, 1868, shall not apply to the municipal elections held under this act. Registration of voters.
Certain sections of registration act of '68 not to apply.

SECTION 9. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be a quorum to Quorum.

transact any business. Said board may fix the time of their own sessions, both regular and special. The mayor may call a meeting of the board at his option, or any two (2) aldermen may do the same, and all acts done at such called sessions shall be as lawful and binding as if done at a regular session, whether the mayor be present or not. In case of sickness or temporary absence of the mayor the aldermen present may appoint one of their number to act as mayor during such sickness or absence of the mayor, and such mayor *pro tempore* shall exercise all the power and perform all the duties of mayor; but the office of mayor shall not be vacated by reason of any absence from the corporation in the State.

Meetings of board. **Mayor pro tem**

Mayor ex-officio justice of the peace. **Fees.** **Appeal or certiorari.** **Jurisdiction as mayor.** **May issue process upon judgments either as mayor or justice.**

SEC. 10. *Be it further enacted,* That the mayor shall, within the corporate limits, exercise all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees which are or may be allowed by law to justices of the peace, and his signature or act as mayor in such cases shall be of equal force as if done by him expressly as justice of the peace; and from any decision of the mayor, sitting as justice of the peace, the party desiring it may take an appeal or certiorari to the circuit court of the county, under such rules and regulations as are or may be prescribed by the laws of the State for an appeal or certiorari from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, judge and determine all suits, prosecution or other proceedings for the violation of the charter, by-laws and ordinances of this corporation, he shall have jurisdiction of all proceedings by notice *scire facias*, or other suits, on any penal bonds, payable to the mayor or mayor and aldermen of the corporation taken under this act, or the ordinance of said corporation, including proceedings and suits of the officers of the corporation and the sureties on their official bonds for the non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office. And upon the judgment of the mayor in any case in either branch of his jurisdiction as mayor or justice, execution or other appropriate process may be issued by the mayor, directed to, and be executed by the marshal or any other constable, which shall have the force and effect of an execution or

other appropriate process, as the case may be, from any of the circuit courts of this State, and shall be executed by the marshal or other officer, in the same manner as executions or other appropriate process as the case may be, from such circuit courts, and from any judgment or decision of the mayor as such the party desiring it may take an appeal to the circuit court of Etowah county on giving bond with two (2) sufficient securities, to be approved by the mayor, in the amount of the judgment, cost and fine, and conditioned to prosecute the appeal to effect and satisfy such judgment, as the said court may render in the premises; but unless said appeal bond be given within five days from the date of such judgment or decision, no appeal shall be allowed from the same. The proceedings shall be such as are or may be prescribed by law in cases of appeal from any justice of the peace.

How executed.

Appeals.

Must be taken within 5 days.

SEC. 11. *Be it further enacted*, That it shall be the duty of the mayor to see that all the laws of the corporation are duly executed. He shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances and other cases brought before him. He shall report to the board the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend to the board from time to time, in writing, such alterations in the laws of the corporation or measures for its good government or interest as he may deem necessary and proper. He may, in case of disturbance of the peace or invasion or insurrection, or whenever in his judgment the peace and security of the town require it, call on the sheriff of the county for aid in preserving the peace by the use of all the means which the law confers on the sheriff as a peace officer. The mayor shall preside at all the meetings of the board when present. He shall perform all other duties as such the board may determine and prescribe, and he shall have authority while holding his court, to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four (24) hours, and the fine shall not exceed twenty-five (25) dollars for any one offense.

Mayor to see that the laws are executed.

Reports negligence, &c., of officers of corporation.

May in certain cases call upon the sheriff to aid in preserving the peace.

Shall preside at meetings of board.

Punish for contempt.

SEC. 12. *Be it further enacted*, That the board of mayor and aldermen shall have power to appoint a marshal and such other officers or agents as may be necessary to execute the powers conferred on the corporation of this

Marshal.

Duties of officers to be prescribed. The board shall have power to prescribe the duties, and affix the liabilities and powers of all officers or agents appointed by said board; may require of said officers bond and security in such amount as may be fixed by law for the faithful discharge; may regulate and control them in the discharge of their respective duties.

Bond. Said board shall have power to remove or discharge at any time any or all such officers or agents, a majority of the board voting therefor. All such officers as the board of mayor and aldermen may require to give bond, shall, before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the mayor, payable to the board of mayor and aldermen of the town of Gadsden, in such penalty as may be prescribed by said board, with condition to discharge faithfully all the duties of said office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction in the name of the board of mayor and aldermen of the town of Gadsden, for the use of the corporation or the person injured, and said bond shall remain for the breaches of its conditions.

Removal of officers. The said board may provide summary remedies by motion or otherwise, before the mayor, against any officer of the corporation and his securities for any official default or neglect.

Suits upon bonds. SEC. 13. *Be it further enacted*, That the mayor shall keep, or cause to be kept, a regular record of the proceedings, orders, regulations and ordinances of said board, which shall be read to the board and signed by the mayor, or presiding chairman, or mayor *pro tempore*, and the same shall have the force and effect of a record, and a copy therefrom, certified by the mayor, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open for inspection.

Summary remedies. The mayor shall also keep a docket of cases instituted before the mayor as such, showing the order in which they are instituted and noting and indorsing the orders, judgments, &c., therein, and the dates of the issuance and delivery of original and final process, to whom delivered and the return thereon or the substance thereof, and in another book he shall keep a minute or record of the orders, judgments, &c., in all cases before the mayor as such. He shall keep a separate docket and a separate record or minute book of the cases instituted before him as justice of the peace, which shall be kept in the

Record of proceedings.

Transcript prima facie evidence.

Mayor shall keep a docket.

Separate docket as justice of the peace.

same manner as above provided. The mayor shall keep and preserve a regular file, as well as the papers in suit or cases before the mayor as such, and as justice of the peace as of all other papers belonging to the board of mayor and aldermen, and said dockets, records, and files shall be open for public inspection under such rules as may be prescribed by the board.

File of papers to be kept.

SEC. 14. *Be it further enacted*, That the marshal shall have and possess, within the corporate limits, all the powers and rights of constable under the laws of the State, and shall be entitled to the same fees for like services. He shall possess within said limits in preserving the peace and making arrest all the powers of a sheriff of the county. He shall execute the orders, notices and process of the mayor to him directed, and all warrants, precepts, executions and processes from the mayor's court, and perform such other duties as the board of mayor and aldermen may prescribe, and be subject to all the liabilities and remedies which said board may provide. In all cases where the marshal is a party to the suit or proceedings before the mayor, the mayor shall appoint some suitable person to act as special marshal.

Powers of marshal.

Duties.

Special marshal.

SEC. 15. *Be it further enacted*, That the board of mayor and aldermen shall have power and authority to declare, prevent and remove nuisances, to prevent the introduction of contagious or infectious diseases within the corporate limits, to erect a calaboose, and use the county jail for all purposes of imprisonment, and jailor is hereby required to receive and place in or allow the marshal to place in the jail such persons as the mayor sentences thereto, and such as the marshal arrests and requires the jailor to receive. Said board may establish day and night watches, license, regulate and restrain the retailing and wholesaling of spirituous liquors within the corporate limits, and provide for revoking such license for good cause being shown. Said board shall have power to erect and repair bridges, to prohibit and disperse all unlawful or disorderly assemblages, to license and regulate hawkers and peddlers, to license and regulate markets, to license, restrain and regulate theatrical exhibitions and other shows of whatever kind or name for pay, and also lectures, concerts, for pay, except such as are given for charitable purposes, to license and regulate hackney coaches, carriages, buggies, wagons, carts

Corporate powers.

Nuisances.

Contagious or infectious diseases.

Calaboose.

Day and night watch.

Retailers.

Bridges.

Unlawful assemblages.

Peddlers.

Markets.

Theatres.

Hacks.

Pawn brokers, Auctioneers, merchants, hotel keepers, livery stable keepers, barbers shops, &c. and drays, and vehicles of like kind running for hire ; to license and regulate pawn brokers, auctioneers, commission merchants, dry goods, grocery and hardware merchants, druggists, keepers of hotels, eating houses, livery and sale stables, barber shops, billiard and bowling saloons, ten pin alleys, and stores and shops for the sale of any goods, provisions, drugs and any other article or commodity whatever. Said board shall also have power to license lawyers, doctors, dentists and other persons or company carrying on any other trade, occupation, profession, business or calling whatsoever; to fix the price of all license and prescribe whether the individual members of a firm or company shall pay a license, or any other regulation to equalize and make just the license tax. Said board shall have power to restrain and prohibit gambling and gaming houses, and houses of ill-fame; to sink and keep in repair public wells; to prohibit and punish violations of the Sabbath; to prevent stock of any kind from running at large on the public streets or allies; to keep in repair the streets and allies of the town and open new ones; to prohibit riots, assaults, assault and battery, and all other breaches of the peace, and all misdemeanors and felonies; to provide for the punishment by fine or by fine and imprisonment, or by work on the streets, or other work of the city, for any breach of the laws or ordinances of the corporation, but no fine shall exceed fifty dollars and no imprisonment or work on the streets or other work of the city shall exceed thirty (30) days. Said board also may provide, in cases where fine and cost are presently paid by the party convicted, that the party so in default shall work out such fine and cost under the direction of the city officers. The board shall have full power to pass or adopt such laws, by-laws or ordinances as may be necessary and proper to execute the powers granted in this act.

Professions.

Gambling.

Houses of ill-fame.

Stock at large.

Streets.

Assaults and batteries.

Penalties.

Vagrants.

SEC. 16. *Be it further enacted*, That the board of mayor and aldermen shall have authority to cause all vagrants or idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support or are likely to become of public charge as paupers, or are found begging in or about the streets, or can show no reasonable cause of business or employment in the city; all who have no fixed place of residence or cannot give a good account of themselves; all who are grossly

indecent in language or behavior publicly on the streets, and all prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the public against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined, to labor on the streets for a limited time, not exceeding five days in any one month.

Grossly indecent persons.
Prostitutes.

SEC. 17. *Be it further enacted*, That whenever it may be deemed expedient by said board to widen or extend or make a new street, lane or alley, the mayor shall cause to be summoned twelve free holders, inhabitants of the city, not directly interested in the lands or lots through which said street, lane or alley is to be widened, extended or opened, who, after being duly sworn by the mayor, to assess and value what damages would be sustained by the owners of said lands or lots by reason of the widening, extending or opening of such street, lane or alley, as proposed, shall assess such damages, which assessment may be made by the vote of a majority of said free holders, and must be reduced to writing, subscribed by a majority of said free holders, and delivered to the mayor, who must record the same, and before such street, lane or alley shall be widened, opened or extended the damages so assessed shall be paid to the parties entitled thereto. Notice of the time and place of such assessment shall be given for such time and in such manner as the board may prescribe; and for the purpose of carrying into effect the provisions of this section, the board must adopt such rules and regulations, not inconsistent herewith, as they may deem expedient, and either party may appeal from any assessment made under the provisions of this section, to the circuit court of Etowah county, within ten (10) days from the date of such assessment, under the rules and regulations governing appeals, from the judgment and decision of the mayor.

New streets.

Valuation, how made.

Payment.

Appeal.

SEC. 18. *Be it further enacted*, That the board of mayor and aldermen shall have power to levy and collect taxes on the real and personal property within the corporation, on auction sales, sales of merchandise, on capital unemployed in business, or income of residents, on itinerant or transient merchants or traders, or any business, profession, trade or calling, carried on in the corporate limits, and on all other subjects of taxation with-

Taxes.

Exemption not to apply.

in said city, on which State are now or may hereafter be levied by the laws of the State, and that the law of the State, exempting five hundred dollars worth of personal property from taxation, shall not apply to this municipality.

Limitation.

Amount of levy.

SEC. 19. *Be it further enacted*, That the tax on personal property shall not in any one year exceed two per centum of the value thereof, and the tax on real estate shall not exceed one per centum of the value thereof, and shall be levied according to assessment of the property taxed, made by such person and under such rules and regulations as the board of mayor and aldermen may prescribe, which said assessment and valuation may be revised and corrected by said board.

Assessment open for inspection for 10 days.

Notice

Errors may be corrected.

SEC. 20. *Be it further enacted*, That when the assessment of taxes, provided for in this act, is made, such assessment shall be placed in the office of the mayor and be open for the inspection of any person against whom taxes have been assessed, and shall remain open for such inspection for ten (10) days, and the mayor shall give ten (10) days notice in a newspaper published in said city, before the day when such assessment shall be open for inspection, naming the time when, and the place where, such assessment can be inspected, and if any one assessed is dissatisfied with such assessment, he shall have right to appear before the board with his witnesses to show error in his assessment, and the board shall determine the matter, and witnesses may be used to show there is no error in such assessment.

Working public streets.

SEC. 21. *Be it further enacted*, That board may provide for the payment of a certain amount of money by each male person between the ages of eighteen and forty-five, in lieu of working upon the public streets, lanes and alleys, and such exemption for such work to be for such times and such manner as may be prescribed by said board. All male persons between eighteen (18) and forty-five (45) shall be liable to work on the streets, lanes and alleys of corporation, but not more than ten days in any one year, and all persons residing within corporate limits, and liable to work on said streets therein, are exempt from road duty outside of said corporation.

SEC. 22. *Be it further enacted*, That the board of mayor and aldermen may, if they deem it expedient, require merchants or persons liable to pay taxes on auction sales, or other sales of merchandise, or other commodities for

sale, to give into the marshal or other person who may be appointed to assess the taxes, quarterly or annually, statements, under oath, of the gross amounts of such sales, or of the amount and value of the goods or other commodities, received the preceding quarter or year, as the board may provide, and levy and collect the taxes on such sales or on such amount of goods, quarterly or annually, as they may deem expedient and proper.

May require quarterly or annual statements from merchants of gross sales.

SEC. 23. *Be it further enacted*, That full power and authority are hereby given said board of mayor and aldermen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restriction hereinafter expressed, for a violation of their ordinances in reference to the taxes and revenue of this corporation, as they may deem requisite and proper for any mistake, fraud, or other defect in the assessment and levy of the taxes. Said board may, if they deem it necessary or expedient, set aside such assessments and levy in whole or in part, according to the circumstances, and direct a new assessment and levy, in whole or in part, as the case may be.

Rules for assessment of taxes.

Board may set aside assessment and direct new one.

SEC. 24. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and constitute a lien on the property assessed, and on all other property in corporation of the party against whom the same are assessed or levied; and the person appointed to collect such tax must, on failure to pay, collect the same by levy and sale of the property of the person to whom it was assessed, or if assessed to an unknown, by sale of the property. All such sales of property for the non-payment of taxes must be after thirty days public notice by advertisement in a newspaper published in Gadsden. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate sold a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings and of all the facts stated therein; and also, that all the requirements of the

Ass'sment and levy has effect of judgment.

On failure to pay may sell property.

Notice of sale.

Certificate of purchase.

Right of redemption.

Infants, lunatics, &c.

Suits not affected by this act.

Present ordinances remain in force.

Mayor and aldermen continued in office.

New streets opened.

Corporate limits enlarged or diminished.

law in reference to the assessment and levy of the taxes and the sale of the property have been complied with; *Provided, however,* That real estate sold for the payment of taxes under this act may be redeemed at any time within two (2) years from the date of sale, on the payment of the amount for which property sold, with interest at the rate of ten per cent. per annum, and all taxes and costs which have accrued; and if the purchaser does not reside within the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser; and infants, lunatics, and married women shall be allowed one year after the removal of their respective disabilities for the redemption of their real estate; and upon such payment or deposit being made within the period allowed for redemption, the title created by such sale and certificate shall cease.

SEC. 25. *Be it further enacted,* That no suit, prosecution or claim, contract or agreement whatever, or to be brought under existing laws, shall in any way be affected, impaired or altered by the passage of this act; and all the existing by-laws and ordinances of the town of Gadsden adopted in pursuance of the present law of incorporation, and not in conflict with this act, shall be and remain in force as the by-laws and ordinances of said corporation, until repealed or modified by the corporate authorities acting under this act.

SEC. 26. *Be it further enacted,* That the present mayor and aldermen shall act as mayor and aldermen under this act until the time for which they were elected has transpired.

SEC. 27. *Be it further enacted,* That no new street, lane or alley shall be opened, when the costs thereof, exclusive of the work to be done, assessed under the provisions of this act, exceeds the sum of one hundred dollars, unless a majority of the legal voters of the corporation vote for the opening thereof at an election ordered for such purpose, under such rules and regulations as the board shall prescribe; but in all cases, ten (10) days notice must be given of such election and the purpose thereof.

SEC. 28. *Be it further enacted,* That the corporate limits of the town of Gadsden may be enlarged or diminished, if a majority of the qualified voters of said corporation shall vote therefor at an election held for that

purpose, which election shall be held under the rules and regulations prescribed by the board of mayor and aldermen; but in all cases, at least ten (10) days notice must be given of the time and object of such election. Election for that purpose.

SEC. 29. *Be it further enacted*, That upon proof being made to the board that the mayor or any alderman has been guilty of embezzlement, or derelict in his official duty, the board shall have power to fine or remove him from office, if they shall deem it necessary, and declare his office vacated, and fill the said office as provided for in this act. May'r or alderman may be fined, &c.

SEC. 30. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed. Repeal.

Approved March 6, 1875.

No. 283.]

AN ACT

To incorporate the town of Ashland in the county of Clay.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Ashland, in the county of Clay, be and the same is hereby incorporated, and the corporate limits shall extend one half mile from the court-house of said town in every direction. Corporate limits.

SEC. 2. *Be it further enacted*, That an election shall be held in said town of Ashland on the first Monday in March, 1875, or as soon thereafter as may be practicable, for the election of an intendant and four councilmen, who shall serve for one year, and until their successors are elected and qualified; and J. H. Robinson, G. N. Sims and H. G. Harris are hereby appointed commissioners to hold said election, and either of said commissioners and two freeholders may act. Election. Commission'rs to hold elect'n

SEC. 3. *Be it further enacted*, That all the powers and authority conferred upon corporate authorities of towns incorporated under the provisions of the Revised Code, shall be and are hereby invested in said intendant and councilmen, so far as the same shall apply thereto, and may not be restricted by the provisions of this act. Powers.

SEC. 4. *Be it further enacted*, That an act entitled "An Repeal.

act to incorporate the town of Ashland," approved December 19, 1871, be and the same is hereby repealed.
Approved February 17, 1875.

No. 284.] AN ACT

To establish a charter for the town of Geneva.

Intendant and councilmen.

Powers.

Limits.

Name.

Election, how conducted.

Provided.

Eligibility to office.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporation of the town of Geneva shall consist of an intendant and five councilmen, and the said corporation shall be known and styled "the town of Geneva," and by that corporate name may sue and be sued, plead and be impleaded, grant and receive, and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said town, and may have and use a corporate seal, which may be changed at pleasure.

SEC. 2. *Be it further enacted,* That the corporate limits and boundaries of said town shall be and are hereby designated and established as follows: Beginning at the point where the Big Eddy branch empties into Pea river, thence down the northern bank of said river to its junction with Choctawhatchie river, up the western bank of said river to the mouth of Double Bridges creek, thence up the western bank of said creek to the Big Eddy on said creek, thence in a direct line to the point of beginning.

SEC. 3. *Be it further enacted,* That the government of said town shall be styled "The town council of Geneva," and shall consist of an intendant and five councilmen, to be elected as hereinafter provided. .

SEC. 4. *Be it further enacted,* That the intendant and councilmen shall be elected by ballot by the qualified voters of the town, who have resided six months in this State and three months in the town immediately preceding the election; *Provided,* That no insane person, or person convicted of a felony shall vote at any such election.

SEC. 5. *Be it further enacted,* That no person shall be eligible to any office under the corporation who does not reside within the corporate limits, and who has not

been a resident of the same for three consecutive years.

SEC. 6. *Be it further enacted*, That the election of officers shall be held annually, on the last Monday in February, and the officers so elected shall hold their offices until their successors are duly elected and qualified. Vavancies in any of the town offices from any cause shall be filled forthwith by the council, who shall also judge of the election and qualification of the intendant and councilmen. The council, at its first meeting in March of each year, or as soon thereafter as practicable, shall elect a mayor *pro tem.*, who shall preside in the absence of the mayor, and in such capacity he may perform any act that the mayor may do, and his acts shall have the same force, effect and validity.

Time of elections.

Mayor pro tem

SEC. 7. *Be it further enacted*, That the council shall designate the place of holding elections, shall appoint three managers of the election, who shall be legal voters of the town, shall prescribe the manner of holding elections, ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the council shall elect between such candidates, and decide who shall fill the office in question.

Managers and place of elections.

Duties of managers.

Tie.

SEC. 8. *Be it further enacted*, That the marshal, clerk, treasurer, assessor, and such other officers as the council may deem necessary, not herein directed to be elected by the people, shall be elected by the council.

Marshal, clerk, &c., how elected.

SEC. 9. *Be it further enacted*, That for malpractice, incapacity, intemperance, or gross neglect of duty on the part of any officer of the corporation, the council shall have power, after due trial, to remove such person from office. All officers of the corporation, before entering on their duties, shall take and subscribe an oath to faithfully discharge the duties of their respective offices, which oath shall be filed in the mayor's office. The treasurer, marshal and his deputy, the clerk and his deputy, shall also, before entering upon the duties of their respective offices, execute bonds, payable to the corporation, in such amounts and with such sureties as the council may require. The council may at any time for sufficient cause require of any officer a new bond in a larger amount and with other sureties.

Removal of officers.

Oath of office.

Bonds.

New bond required.

SEC. 10. *Be it further enacted*, That a failure from any cause to elect officers on the day fixed by this act shall not work a dissolution of the corporation, but it shall be the duty of the council to appoint some other day of

Failure to elect officers not to work dissolution of charter

election as soon as practicable, and to give due notice thereof, the incumbent officers remaining in office until their successors are elected and qualified.

Male inhab'nts
exempt from
road duty, but
speci'l tax may
be levied to
keep streets
in repair, wh.
tax may be dis-
charged by
work on sts.

SEC. 11. *Be it further enacted*, That the male inhabitants of the town shall be exempt from road duty in the county, but the streets and highways of the town shall be kept in order by the council, and for this purpose a special tax of three dollars may be levied on all male citizens between eighteen and forty-five years of age ; *Provided*, That the persons so taxed may discharge the same by work on the streets, under the control and direction of the marshal, for such number of days, not exceeding six, as the council may prescribe.

Duties of in-
tendant.

SEC. 12. *Be it further enacted*, That the intendant shall preside and keep order at meetings of the council, take a general superintendence of the affairs of the corporation ; see that the laws are duly executed, and that all officers and agents of the corporation perform their duties ; call extra meetings of the council whenever he deems it necessary ; report to the council any negligence, misconduct or incapacity of any officer or agent of the corporation ; suggest to the council such alterations in the laws, or changes in the government, or enactment of new laws as he may deem necessary and proper ; he shall hold a court as often as may be necessary for the speedy trial of offenders, and perform all other duties required of him by law. He shall receive such salary and fees as the council may prescribe.

Ex-officio jus-
tice of the
peace.

SEC. 13. *Be it further enacted*, That in addition to the powers conferred upon the intendant in the preceding section (section 12) of this act, he shall possess and exercise the powers and jurisdiction of a justice of the peace in Geneva county, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees which are or may be allowed by law to justices of the peace, and all appeals from his judgments or decisions must be taken under such rules and regulations as are or may be prescribed by law for appeals from the judgment of a justice of the peace, and the party or parties so appealing to the circuit court of Geneva county shall give bond with security, approved by the intendant, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit court may render in the prem-

Duties and re-
sponsibilities
as such.

Appeals.

Bond on ap-
peal.

Conditions.

ises. The intendant shall have exclusive original jurisdiction to hear, adjudge and determine suits, prosecutions or other proceedings for violations of the charter, ordinances or by-laws of the corporation. Also, of all suits on any penal or official bond payable to the intendant, or intendant and council. Also, of all proceedings or suits against officers of the corporation for non-payment of fines, taxes or other moneys collected or received on account of the corporation, and for all other delinquencies in office, and upon judgment of the intendant in any case, in either branch of his jurisdiction as intendant or as justice, execution or other appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which shall have the force and effect of any execution or other appropriate process from any of the circuit courts of the State, and shall be executed by the marshal as other similar papers from such circuit courts.

Jurisdiction of intendant.

Clerk to issue process.

SEC. 14. *Be it further enacted*, That the marshal of said town shall possess and exercise within the county of Geneva all the powers and rights of constable under the laws of the State, and shall be entitled to the same fees for like services. He shall possess and exercise within the corporate limits, in preserving the peace and making arrests, all the powers of the sheriff as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts, executions and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. The intendant and council may allow the marshal such salary or compensation, in addition to the specified fees to which he may be entitled, as they deem proper. In all cases where the marshal is a party to the suit or proceedings before the intendant, some disinterested person shall be appointed to act as special marshal.

Powers of marshal.

Fees.

Duties.

Salary.

SEC. 15. *Be it further enacted*, That the intendant and council shall prescribe the duties and liabilities of the treasurer, clerk, marshal and such other officers or agents as they may appoint or elect.

Duties and liabilities of treasurer, clerk and marshal to be prescribed.

SEC. 16. *Be it further enacted*, That the said intendant and council shall have power and authority to declare, prevent, and remove nuisances; to prevent the introduction of contagious or infectious diseases within the town,

Powers of intendant and councilmen.

and provide places for the reception and care of the sick ; to erect a calaboose, town hall, market house, or any other building or work necessary or expedient for the town ; but for the present, and until otherwise ordered by the intendant and council, the said town may use the county jail as a calaboose. The intendant and council shall have power to acquire by law, purchase, or other contract, or in any other legal way, the use of houses or buildings for any purpose necessary or convenient for said town ; to establish night watches whenever deemed necessary, and to license and regulate the retailing of liquors within the corporate limits, and provide for the annulling and revoking such license on good cause being shown ; to close up, temporarily, retail liquor establishments, whenever the exigencies of the times may demand it ; to prohibit the retailing of spirituous liquors within the corporate limits, whenever they deem it expedient ; to construct drains and sewers, and keep them in repair ; to prohibit and disperse all unlawful and disorderly assemblies ; to license and regulate hawkers and peddlers, and for good cause to annul their license ; to license, restrain, and regulate theatrical and other exhibitions, or shows for money, of whatever character, kind or name, and, also, lectures and concerts for pay ; to license and regulate pawnbrokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keepers of hotels, eating houses, livery and sale stables, beer shops, billiard rooms, bowling alleys, and stores or shops for the sale of any goods, provisions, drugs, or other commodity or article whatever ; to fix the price of taxes and all licenses granted by the corporation, and to enforce the collection thereof ; to restrain and prohibit gambling and gaming houses, and houses of ill fame ; to establish and regulate markets ; to prohibit and punish violations of the sabbath ; to sink and keep in repair public wells ; to keep in repair the streets, alleys and avenues of the town ; to widen and change the direction of the streets, and to open new ones ; to regulate weights and measure ; to license and regulate hacks, carriages, wagons, carts, and drays running for hire within the corporate limits ; to purchase all such real estate and personal property as may be deemed necessary and proper for the use, convenience, and improvement of the town, and to provide for the payment of the same ; to pave, gravel, or otherwise improve any street or sidewalk, and

provide the means thereof by assessment on the owners of the property to be benefitted thereby, and to enforce and collect such assessment as other taxes ; to prohibit, and punish for, riots, affrays, assaults and batteries, breaches of the peace, indecent, rude or disorderly behavior and drunkenness ; to provide for the punishment, by fine or imprisonment, or by fine and imprisonment, or by work on the streets or other works of the town, for any breach of the charter, by-laws or ordinances of the corporation ; *Provided*, That no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other work of the town shall exceed fifteen days ; to provide, in cases where the fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the town officers, and to pass all such laws, by-laws and ordinances as may be necessary to execute the powers in this charter granted, not contrary to the laws and constitution of this State, or to the restrictions and limitations expressed in this act. Proviso.

SEC. 17. *Be it further enacted*, That the intendant and council shall have authority to cause the arrest of all vagrants, or idle or disorderly persons, all persons of ill fame or evil life, all such as have no visible means of support, or found drunk, all who are grossly indecent in language or behavior, all who are guilty of loud or boisterous yelling at night, are prostitutes, or such as lead notoriously a lewd course of life, who shall be required to give security for their good behavior for a reasonable time ; and in case of their refusal or inability to give such security, they may be confined to labor not exceeding ten days in any one month ; *Provided*, That any such penalty of labor may be discharged by the payment of such fine as the intendant may designate. Other powers.

SEC. 18. *Be it further enacted*, That said intendant and council shall have authority to levy taxes in the months of March and April of each year on the real and personal property within the corporate limits, except such as is or may be exempt from taxation under the laws of this State or of the United States, on all auction sales, or capital employed in business in said town, or itinerant or transient merchants or traders, sales of merchandise, all the subjects of taxation within said town, on which State taxes are now or shall hereafter be levied by the Taxation.

Limitation.	laws of Alabama; <i>Provided</i> , That no tax shall be levied upon sales under judicial proceedings, or by executors, administrators or guardians, or under deeds for the security or payment of debts.
Rates of taxation.	SEC. 19. <i>Be it further enacted</i> , That the said tax on real and personal property for municipal purposes shall not in any year exceed one per cent. on the value of such property, and shall be levied according to assessment and valuation of the property taxed, made by the assessor under such rules and regulations as the board may prescribe; which assessment and valuation the intendant and council shall have authority to review and correct as they may deem proper and just. In making assessments the rules of assessment shall be the cash value of the property assessed.
How levied.	
May levy taxes upon sales of merchandise.	SEC. 20. <i>Be it further enacted</i> , That the intendant and council may, if they deem it expedient, require merchants and other persons liable to pay taxes upon auction sales, or sales of merchandise, and commodities offered for sale, to give in to the town clerk or assessor, quarterly or annually, statements under oath of the gross amount of such sales, or of the amount and value of the goods or commodities received or sold during the preceding quarter or year, as the case may be, and may levy and collect taxes on such sales, or on such goods or other commodities, quarterly or annually, as they may deem expedient and proper.
May establish rules for assessment and collection of taxes.	SEC. 21. <i>Be it further enacted</i> , That full power and authority are hereby given said intendant and council to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinbefore expressed, for the violation of these ordinances in reference to the taxes and revenue of the town, public morals, health, police, nuisances, vagrants, streets, public highways, parks, wells, and other public improvements, cemeteries, markets, fire departments, and paupers, as they may deem requisite and proper.
Assessments have lien of a judgment.	SEC. 22. <i>Be it further enacted</i> , That all taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the prop-

erty assessed, and on all other property within the corporate limits belonging to the party against whom the same are assessed or levied, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property for non-payment of taxes must be after thirty days notice, by publication in a newspaper published in said town, or by posting in three conspicuous public places in said town. The person appointed to collect such tax shall make such sale under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all the previous proceedings and of all the facts stated therein; and also that all the requirements of the law in reference to the assessment and levy of the taxes, and the sale of the property, have been complied with; *Provided, however,* That real estate sold for payment of taxes under this act may be redeemed at any time within two years from the date of the sale, on the payment of the amount for which the property was sold, with interest at the rate of ten per cent. per annum, and all taxes and costs which have accrued thereon; *Provided, further,* That infants, lunatics, and married women shall be allowed one year after the removal of their respective disabilities for the redemption of their real estate; and upon such payment being made within the period allowed for the redemption, the title created by such sale and certificate shall cease and determine, and the purchaser or claimer under him shall relinquish possession, or on failure to do so, be liable for an unlawful detainer.

Upon what property.

On failure to pay taxes sale authorized.

Notice.

Sale; how made.

Certificate of purchase.

Right of redemption.

Proviso.

SEC. 23. *Be it further enacted,* That all other rights and powers not herein specially conferred, which by the general act of incorporation, Revised Code, § 1483 to § 1520, are conferred on similar town corporations, which are not in conflict with any of the provisions of this act, be and the same are hereby conferred on the said intendant and council of the said town of Geneva, and that all acts and parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

Additional powers.

Approved February 15, 1875.

No. 285.]

AN ACT

To incorporate the town of Elba in Coffee county.

Incorporated. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Elba in Coffee county be and the same is hereby incorporated, with corporate powers, privileges, liabilities and duties equal to any other town of the State of Alabama.

Intendant. SEC. 2. *Be it further enacted,* That Morgan G. Stoudenmeir shall exercise the functions of the office of intendant, and David Collins that of marshal, until elections may be held for such offices as may be desired for the government of said town; election to be held on the first Monday in June each year.

Powers of intendant. SEC. 3. *Be it further enacted,* That for the trial of any misdemeanor, the intendant shall have concurrent jurisdiction with the circuit court, and may equally exercise the powers of a justice of the peace, and the marshal have powers equal to the sheriff or a constable; and that the fees of the officers of said town corporation, to be collected from offenders and delinquents, be equal to the county judge, and sheriff and clerk of the circuit court for similar services; *Provided,* That in all cases the right of appeal shall exist; and that the boundaries of said corporation shall be as they were previous to 1861, and subject to be changed by the town authorities, as well as the numbers, designation and duties of its officers; and further, that this act shall take effect from its approval by the governor.

Approved March 4, 1875.

No. 286.]

AN ACT

To establish a new charter for the City of Selma.

Corporation. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporation of the city of Selma shall hereafter consist of a mayor and board of councilmen, and said corporation shall be known and styled "The City of Selma," and by that corporate name may May sue and be sued, plead and be impleaded, grant, receive be sued, &c. and do all other acts as natural persons in respect to

the powers herein granted, and may purchase and hold real, personal and mixed property or dispose of the same for the benefit of the said city, and may have and ^{Seal.} use a city seal, which may be broken or altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits and boundaries of the city of Selma, in the county of ^{Corporate limits.} Dallas, shall be and the same are hereby designated and established as follows : That is to say, beginning at a point on the south bank of the Alabama river at low water mark, where the western line of section thirty-six (36), township seventeen (17), range ten (10) cuts said bank ; thence across said river and north along said section line to the north-west corner of said section thirty-six (36) ; thence east along the northern margin of North street to the south-east corner of the Purnell lot ; thence north to Daniel street ; thence along the northern margin of Daniel street to McCreary street ; thence south along the eastern margin of McCreary street to the line of the right of way of the New Orleans and Selma railroad ; thence east with the northern line of said right of way to a point thirteen hundred and twenty-six (1326) feet west of the north-east corner of section thirty-one (31), township seventeen (17), range eleven (11) ; thence south to the centre of Division street, and thence along the centre of Division street south to Beach creek ; thence with said creek to the Alabama river, and thence directly across the river to the low water mark on its south bank, and thence with the low water mark along the south bank of said river to the point of beginning.

SEC. 3. *Be it further enacted*, That the city of Selma ^{Wards.} shall be divided into five wards, and each ward shall be entitled to two councilmen residing within the limits of ^{Councilmen.} the ward, to be elected by the qualified voters of the ward in which said councilmen reside. That ward No. ^{Ward limits.} 1 shall embrace and include all that portion of the city lying west of Donation street in its projection northward and southward to the northern and southern limits of said city. That ward No. 2 shall embrace and include all that portion of the city lying between Donation and Broad streets in their projection northward and southward to the northern and southern limits of the city. That ward No. 3 shall embrace and include all that portion of the city lying between Broad and Green streets in their projection northward and southward to

the northern and southern limits of the city. That ward No. 4 shall embrace all that portion of the city which is bounded as follows : Commencing at the southern extremity of Green street and running thence along the eastern margin of said street to the point where the same intersects with the northern boundary of said city ; thence along said northern boundary to the range line road ; thence along said road to the line of the Alabama Central railroad ; thence along the line of said railroad to the Alabama river ; thence westward along the margin of said river to a point where the eastern margin of Green street in its projection southward would strike said river ; and thence along the line of such projection to the point of beginning. That ward No. 5 shall embrace and include all that portion of the city lying east of ward No. 4 as above described.

Mayor & councilmen may alter wards.

SEC. 4. *Be it further enacted*, That the mayor and councilmen of the city of Selma shall have full power and authority to lay off said city into such number of wards as they may deem proper, and to fix the boundaries or limits of the same and to alter such limits and increase and diminish the wards at their discretion.

Eligibility of mayor & councilmen.

SEC. 5. *Be it further enacted*, That no person shall be eligible to the office of mayor or councilman unless he is a qualified voter of the city.

Election of councilmen.

SEC. 6. *Be it further enacted*, That the board of councilmen shall consist of two councilmen from each ward, who shall be elected by the qualified voters of their respective wards, and who shall reside in the ward for which they were elected.

By whom mayor, councilmen, marshal, clerk and physician elected.

SEC. 7. *Be it further enacted*, That the mayor and councilmen of said city shall be elected by ballot by the male inhabitants of said city who are qualified voters under the provisions of this charter, and the marshal, clerk and physician, and all other officers of said city shall be elected by the councilmen at a regular meeting of the mayor and council of said city ; and if there should be a tie vote in any election for said officers, the mayor shall have the casting vote.

Electors.

SEC. 8. *Be it further enacted*, That every male person of the age of twenty-one years or upwards, born in the United States or naturalized, or who has lawfully declared his intention to become a citizen of the United States, and shall have resided in the city of Selma six months and in the ward in which he offers to vote three

months next preceding the election, and is lawfully registered, shall be qualified to hold office and be a qualified elector in said city. But the following classes of persons shall not be qualified to register, or vote, or hold any office: 1. Persons convicted of any crime punishable by imprisonment in the penitentiary. 2. Paupers, idiots and insane persons. 3. Soldiers, sailors or marines in the military or naval service of the United States. And no person shall be eligible to any office in the city while any indictment is pending against him for perjury, bribery, malfeasance or corruption in office, larceny, embezzlement or other crimes involving moral turpitude, and punishable by imprisonment in the penitentiary, or while he holds any office under the United States, the State of Alabama or the county of Dallas. Exceptions.

SEC. 9. *Be it further enacted*, That in any election held under the provisions of this charter, any qualified voter of the city may challenge the vote of any person offering to vote; whereupon the inspectors of the election, or any one of them, may require said person to take an oath to answer truthfully all questions put to him by the inspectors of the election, or any one of them, and if he take the oath the inspectors, or any one of them, may ask him such questions as will show whether or not he is qualified to vote at the election; and if it appears from the examination that he is qualified to vote, his ballot must be received, but if said person refuse to take said oath, or if it appears on the examination that for any cause he is not qualified to vote, his ballot must not be received. Challenge of voters.

SEC. 10. *Be it further enacted*, That if any person willfully answers falsely any question asked him by the inspectors, or any one of them, touching his qualification as a voter, after the oath prescribed by the preceding section has been administered to him, he shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary of the State for not less than one nor more than two years. And any person who shall vote at any city election held under this charter, any who is not a qualified voter; or any person who votes more than once at any such election; or any person who shall vote at such election under, by or in an assumed name, or under, by or in any other name than his own, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the peni- False swearing perjury.
Penalty.
Wrongful voting.

tentiary of the State for not less than one nor more than two years.

Registration.

Qualifications
for registrat'n.

SEC. 11. *Be it further enacted*, That the city clerk, or the officer performing the duties of city clerk, shall be required to keep a register, in which all the persons shall be required to have their names registered before they shall be allowed to vote in any election or for any officer of said city; the said register is to be opened sixty days previous to any election and closed five days before the polls are opened for such election. The qualifications for registration shall be regulated by the following conditions: Upon the application in person of any person within the time prescribed for the register to be kept open, giving the name, age, business or profession of such applicant for registration, and giving the ward in which he resides and the time of his residence in the State, city and ward, and whether or not he is the owner of real estate in the city; it shall be the duty of said clerk or registering officer to register said applicant; and at the election, if it appear from said registration list that any person therein registered has not been in the State, city and ward the time required by this charter to qualify him to vote, he shall not be permitted to vote. A new registration must be made of all the voters in the city prior to each election.

First election.

Biennially
thereafter.

SEC. 12. *Be it further enacted*, That the first election of the city officers elected by the people under this charter shall be held on the first Monday in May, 1875, and biennially on the first Monday in May thereafter, and the city officers so elected shall hold their several offices for the term of two years, and until their successors are duly elected and qualified. Until the election and qualification of their successors, the mayor and councilmen and other officers of the city now in office shall continue therein; and in case of a vacancy from any cause, either in the office of mayor or councilmen, before the first election herein provided for, the vacancy shall be filled by election by the remaining numbers of the board of councilmen.

Inspectors of
elections.

SEC. 13. *Be it further enacted*, That the mayor and councilmen shall appoint three inspectors for each ward, two of such inspectors at each box to be of different and opposing party politics to each other, who shall be legal voters of said city, to preside at the election of the city officers elected by the people under the provisions of

this charter, and at any and all elections by the people in said city, who shall receive the legal votes cast and certify the number of votes polled for each person for city officers, or for any other officers or thing voted for, which certificates shall show what persons have received the largest number of legal votes cast at such election, designating the respective offices for which such persons are voted, and the inspectors shall return and file said certificate with the clerk of the city, and from the certificates of the inspectors so made and returned the mayor and councilmen shall ascertain and declare, as soon as practicable thereafter, who are duly elected by the legal votes cast in the several wards; and the persons who shall have received the largest number of votes cast in the several wards shall be declared elected to the respective offices for which they were voted. And the two persons in each ward who shall have received the largest number of legal votes cast for councilmen shall be declared elected as councilmen for their respective wards. And the said mayor and councilmen shall have the power to exclude and reject all illegal votes cast in any election.

Their duties.

Result of election to be declared.

SEC. 14. *Be it further enacted*, That the mayor for the time being shall give thirty days notice, by advertising in some newspaper, published in the city of Selma, or by posting up such notice in one or more public places in each ward in said city, of the time and place of holding such elections, which elections must be holden in the several wards of the city, and the said inspectors shall have full power and authority to keep order at the place of holding said elections, and to commit to the jail of the county, or to the city prison for a time not exceeding forty-eight hours, any person or persons who shall make, or attempt to make, any disturbance at such place, so as to interfere with the peaceable and orderly conducting of said elections. And the sheriff of the county of Dallas and all police officers of the city of Selma are hereby commanded to obey and carry into execution all orders or process issued by the said inspectors as aforesaid, in pursuance of this act.

Notice of elections.

Powers of inspectors.

SEC. 15. *Be it further enacted*, That should there be an equal number of legal votes for any two or more persons who shall have been voted for at such election, for the same office, and the election of such officers shall thereby fail, it shall be the duty of the mayor, or in case

Tie vote.

To issue notice of another election.

the mayor fail or neglect so to do, of the councilmen, to declare the fact that no election for such office has taken place because of the tie vote, and to issue a notice for a new election, to fill the place or places not filled by reason of a failure to elect, which notice shall be given and a new election held in the same manner and form as required by this act for the regular election.

Contested election.

Before whom and how tried.

SEC. 16. *Be it further enacted*, That if any municipal election in and for the city of Selma, shall be contested, it shall be contested before the judge of the circuit court of Dallas county. Testimony may be taken by a commissioner appointed for that purpose, by the court, or witnesses may be required to depose before the judge trying the contest, and the judge trying the same may hear and determine the contestation in vacation or in term time.

Ballots to be sealed up and deposited.

If no contest within fifteen days, to be burned.

SEC. 17. *Be it further enacted*, That the ballots at the several polls or precincts in the city of Selma, shall be carefully sealed up by the inspectors after they have counted the ballots and marked, so as to designate what ballots are in the box or package; and the said inspectors shall not allow the same to be examined by any except themselves and their assistants, who hold said election; and they shall return the ballots so sealed up to the city clerk, together with the list of the voters at said election held by them, who shall preserve the same fifteen days, and if there be no contest, said city clerk shall cause the same to be burned in his presence and that of the mayor; but in the event of a contest they shall be kept by said clerk, sealed up, to be used on the trial of such contest.

Contestant to file application and give notice.

SEC. 18. *Be it further enacted*, That the party contesting shall file his application, and give notice of such contest to the judge of said circuit court, and the person or persons whose election is so contested within fifteen days next succeeding said election.

Testimony in contests.

SEC. 19. *Be it further enacted*, That when testimony is taken under this act, the opposite party shall have reasonable notice of the time and place, and the commissioners taking such testimony shall receive legal fees for taking the same, to-wit: For each hundred words, fifteen cents, to be paid by the party at whose instance the said service is performed.

SEC. 20. *Be it further enacted*, That after the testimony on both sides is completed, the judge trying the cause may examine the poll list and ballots and pronounce judgment in the case according to the facts.

SEC. 21. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to pass all by-laws and ordinances; to regulate the stationing, anchorage and moorings of vessels within their jurisdiction, and to regulate the landing of all goods, landed within the city limits, from steamboats and other water crafts; to prevent nuisances and to declare and remove nuisances; to prevent the introduction of contagious or infectious diseases within the said city, by regulating the landing of vessels having sick on board, and the landing of the sick, or of articles calculated to produce diseases, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; to establish night watches and patrols; to erect lamps; to regulate the sale of ardent spirits, and to provide for licensing and regulating retailing of liquors within the limits of said city, and to fix the sum to be paid for the same, and annulling the same on good and sufficient complaint being made against any person holding such license, and to prohibit the retailing of liquors within the limits of said city, when deemed proper, and to close up retail establishments for such time as they may deem necessary; for the regulations of hackney coaches, carriages, cabs, wagons, carts and drays, and for licensing them, and for the regulating of pawn brokers within the city; to restrain or prohibit gambling, and to provide for licensing or prohibiting cock fighting or pits; and to regulate and license theatricals and other public amusements, and all race courses and tracks within the city; to establish and regulate markets and to rent out stalls in the same; to erect and repair bridges; to keep in repair all necessary streets and avenues, and to open up new streets, or to widen or change the direction or name of streets within said city, upon making compensation to the owners of land taken for the public use; to make all drains and sewers required, and to keep them open; to pass all ordinances necessary for preserving streets, alleys, sewers, bridges and other public property of the city; to organize and regulate fire companies; to enact by-laws for the extinguishment of fires, and if necessary to remove or pull down buildings

After taking testimony judge to examine lists and ballots and pronounce judgment.

Powers of mayor and councilmen.

Vessels.

Nuisances.

Contagious or infectious diseases.

Night watches.

Ardent spirits.

Hacks, cabs, &c.

Pawn brokers. Gambling.

Cock fighting.

Race courses. Markets.

Streets.

Fire comp'nies

or fences for the prevention or spreading of fire, and to sink wells, to make reservoirs, to erect and repair pumps in the streets, or such other places as the public good may require; to erect or establish hospitals, pest houses, houses of correction, penitentiary or other buildings for the use of the city, or to join with the county of Dallas in the erection of the same, or to acquire by lease, purchase or otherwise, the use of houses for hospitals, &c., and to levy and collect taxes as prescribed by this act, for defraying the expenses of the city; to restrain and prohibit nightly or disorderly assemblages of all persons; to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill-fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering about tippling houses, and who have no visible or honest employment or business in the city; all who have no fixed place of residence or cannot give a good account of themselves; all who are grossly indecent in language or behavior publicly, and all such public prostitutes as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charges for their support; and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six months, unless such security shall sooner be given, which said labor shall be designated for the benefit of the city, and for all subsequent offenses of the same kind a like punishment may be inflicted by like proceedings from time to time; to take care of, preserve, remove, designate and regulate all burying grounds within the city; to regulate all weights and measures, to erect public scale houses with proper scales, weights and measures, and to appoint weighers and measurers, to weigh and measure wood, coal, iron, hay, fodder and corn; to provide for measuring gas, and for this purpose to appoint an inspector of gas metres, and to pass all such resolutions, by-laws and ordinances as they may deem necessary and proper for the good government of the city, not contrary to the laws of this State, and to carry into effect the powers conferred by law on the mayor and councilmen.

SEC. 22. *Be it further enacted*, That the mayor and

councilmen shall have full power and authority to regulate the receipts, shipment and landing of goods, wares and merchandise at and from the wharves or landings within said city, and shall have power to assess and collect a tax on all property sold at or upon the wharves or landing of the city of Selma, or upon steam or flat boats, or otherwise, before the same shall be stored, and also to assess and collect such tax or dues on all property shipped or received at the same as may be deemed proper; but this power shall not be exercised so as to interfere with foreign or inter-state commerce.

Wharves.

SEC. 23. *Be it further enacted*, That the mayor and councilmen shall have full power to establish ferries and toll bridges across the Alabama river, within the limits of said city, and regulate the rates of ferriage and toll of same; to establish and keep open sidewalks; *Provided*, That such bridges shall be so constructed as not to impair or obstruct the navigation of the Alabama river.

Ferries and toll bridges.

SEC. 24. *Be it further enacted*, That the mayor and councilmen are fully authorized to create all such offices and to appoint all such officers and agents as may be necessary and proper to carry into effect the powers conferred on the corporation, and all that may be deemed necessary and proper for the good government of the city, and for the preservation of the peace therein, and to prescribe the duties of all such officers or agents to regulate and control them in the performance of their respective duties as officers or agents, and at all times to remove or discharge any or all of its officers or agents or employees; to fix the compensation for all officers and agents or employees, and to provide for their payment as the said mayor and councilmen shall deem best, and at any time to repeal, alter or amend the ordinances or agents or regulating and controlling their duties or compensation, and to require such bonds or securities as they may deem proper.

Mayor and councilmen may create offices and appoint officers and agents.

SEC. 25. *Be it further enacted*, That the mayor and each of the councilmen shall be conservators of the peace in and for the city of Selma, and shall have power to arrest, examine and commit, or bail, all persons charged with criminal offenses, and to administer oaths in the same manner as justices of the peace.

Conservators of the peace.

SEC. 26. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board of councilmen, when practicable; to see that the laws of

Duties of mayor or.

the corporation be duly executed ; and he shall hold a court once in each day of the week, if necessary, (Sunday excepted) for the trial of all offenders against the city laws and ordinances. He shall report the negligence or incapacity or misconduct of any officer or agent of the corporation to the board of councilmen ; he shall lay before said board from time to time, in writing, such alterations in the laws of the corporation or measures for its good government or interest as he may deem necessary and proper, and in case of disturbance of the peace or invasion or insurrection, or whenever the peace and security of the city, in his opinion, require it, he shall have power, and he is hereby required, to call on the sheriff of the county for his aid and assistance in preserving the peace, by calling out and using the *posse* of the county, and by all the legal means the law confers on the sheriff as a peace officer, and the mayor is authorized to call out the volunteers and militia companies, and all others capable of bearing arms in the city, for its defense, and the mayor shall perform all such other duties as may be legally required of him by the councilmen, or by the charter, by-laws and ordinances of the city, and he is vested with full powers to perform said duties and to enforce obedience, and is authorized, while holding his court, to fine and imprison, or either, for contempt, but imprisonment shall not extend over forty-eight hours, and the fine shall not exceed twenty dollars for any one contempt. For his services the mayor shall receive such compensation as may be fixed from time to time by the board of councilmen.

Quorum.

SEC. 27. *Be it further enacted*, That a majority of the councilmen shall constitute a quorum ; and in the absence of the mayor, or at any meeting of the board, any councilman selected by a majority of these present shall preside as mayor *pro tempore*, and as such shall, for the time being, exercise all the powers and discharge all the duties of mayor. A majority of a quorum may pass all ordinances and by-laws necessary and proper, to carry into effect the powers conferred on the city of Selma by this charter and the laws of the State. All ordinances and by-laws for said city shall be presented to the mayor or councilman acting as mayor, for his approval ; and if he approve the same, he shall endorse upon it "approved" and sign his name thereto, and thereupon it shall become a law ; and if he should not approve it, he

Majority may
pass ordinan-
ces.

Ordinances to
be approv'd by
mayor.

shall return it, with his objections, to the board; and at its next regular meeting, in case of his non-approval or failure to return the same as aforesaid, a vote of two-thirds of the councilmen in favor of said ordinance or by-law, shall make it a law. Veto.

SEC. 28. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to pave, shell, gravel, or plank any street or streets, sidewalks or alleys, or parts of streets, sidewalks or alleys, within the limits of said city, whenever they may deem it expedient, and adopt and provide the means therefor by assessments on the owners of property to be especially benefitted thereby, or by assessment on the property to be thus benefitted, such amounts as may be fair and reasonable, and to collect and enforce such assessments by levy as other taxes. Pavement of streets, &c.

SEC. 29. *Be it further enacted*, That the said corporation shall have full power and authority to purchase, and provide for the payment of the same, all such real estate and personal property as may be deemed from time to time necessary and proper for the use, convenience and improvement of the city, and shall have full power and authority to construct and erect works for the purpose of furnishing water and lights for said city, and sell or dispose of any property deemed advisable to sell. May purchase property.
Water and other works.

SEC. 30. *Be it further enacted*, That the mayor and councilmen, for the purpose of meeting and adjusting the present obligations which are valid and binding, shall have power and authority to borrow money, to issue bonds on the faith and credit and in the name of the city, in such form as the mayor and councilmen may prescribe; but the rate of interest of said bonds shall not exceed eight per centum per annum; and for the payment of such bonds and the interest, may mortgage or pledge, in such manner as may be deemed best, all the property owned by said city, and may pledge such amount of the taxes which the corporation may levy by law as may be thought proper. May fund debt.
Rate of interest.

SEC. 31. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to prohibit and prevent the erection or construction of all kinds of wooden or other buildings or structures, except those erected or constructed of brick, stone, or other safe and fire-proof building materials, and the same be covered with slate or metal, or other fire-proof roofing Buildings or structures.

material, within such portions and limits of the city as they may deem best for the safety of the same; and shall have power to fix and prescribe such fines and penalties as may be deemed proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties.

Removal of
buildings.

SEC. 32. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to remove such wooden or other buildings as may endanger the city on account of their liability to take fire, from that portion of the city within the limits of which wooden buildings are prohibited to be erected, whenever the mayor and councilmen are of the opinion that such buildings within the fire limits should be removed. The mayor shall notify the owner or his agent, or the occupant of the same, to remove the house or other thing, and fixing a day for the owner to show cause why the house or other thing should not be removed; and the mayor shall also summon a jury of seven citizens of Selma, who are real estate owners in the city, to appear on the day fixed and on the day named, or the day to which the inquiry has been postponed, and any one of the jury so summoned may be challenged for good cause, and the owner of the property may have three peremptory challenges and the city two, and in case of challenges, or from any other cause, the number is not complete, the mayor must have a sufficient number summoned instant, who are citizens of said city, owning real estate therein; and when such jury is thus obtained they shall be duly sworn, and shall inquire whether the safety of the city requires that the said building or other thing should be removed, and in the event the jury should be of the opinion that the house, building, structure, or thing should be removed, then they must ascertain what damages the owner will receive on account of such removal; and upon this finding of the jury, which shall be returned to and recorded by the city clerk and filed and kept by him, the mayor shall draw his warrant on the treasurer for the amount of damages so found in favor of the owner, and shall proceed to remove the said house, building, structure or thing.

Jury to decide
as to removal
of build'ng and
fix valuation.

Nuisances;
how abated.

SEC. 33. *Be it further enacted*, That the mayor, in order to determine the existence of nuisance within the city, and whether the same should be removed, may give notice to the owner of the land or premises on which the

same is supposed to exist, or to the agent or occupant thereof, or if neither can be found in the city, then by publication, of the intention to abate the said nuisance, or by notice to the party creating, producing or causing the said nuisance, of the intention to remove the cause, and fixing a time and place for the parties interested to appear and show, if they can, that no nuisance exists, or why the same should not be abated. And the mayor shall also have a jury of citizens of the number of seven summoned to attend, to ascertain whether a nuisance exists, and if so, to what extent, and whether it should be abated; each party shall be entitled to three peremptory challenges, and jurors may be challenged by both parties for good cause; and to supply the place of any challenged or absent, others may be summoned instant. The jury thus obtained shall be duly sworn impartially to try the cause or question presented, and a true verdict to render, and shall hear the evidence, and from the evidence shall determine whether there be a nuisance, and whether the same shall be abated; and if they find that there is a nuisance, and that it shall be abated, the mayor shall abate the same at the cost of the party creating or suffering the same. The proceedings must be recorded by the city clerk.

SEC. 34. *Be it further enacted*, That in the cases of inquiry by the jury, as to moving houses and as to nuisances, there shall be allowed to the party the right of appeal to the circuit court of Dallas county, under proper regulations to be provided by the mayor and councilmen; and the cause, when taken by appeal to either of said courts, shall be tried *de novo*. If the mayor or other officer of the city shall, in good faith and in accordance with the finding of the jury, remove any building or abate any nuisance as herein provided for, he shall be exempted from all personal liability; and none of the said officers shall be held to account individually for the consequence of removing such house or structure, or building or thing, or for damages for or on account thereof.

SEC. 35. *Be it further enacted*, That in the case of the removal of wooden houses or structures, and of the abatement of nuisances, in which the owner and his agent are absent, and no one occupies the property in question, and in case the party creating or causing the

Appeal.

Mayor exempt from personal liability.

In case owner is absent, &c., notice giv'n by publication.

nuisance can not be found in the city or county so as to give personal notice as required by this charter,—then, and in such case, the mayor shall cause a notice to be published for three weeks in some newspaper published in the city, and shall also cause a notice to be posted on or near the premises or nuisance, and after giving personal notice, or notice by publication as in this act provided, the jury shall be fully authorized to proceed, and should no party appear to show cause why the property considered dangerous should not be removed, or the nuisance abated, then the parties interested shall be bound by the proceedings in the same manner as if they had appeared and contested; and in all cases where a jury is authorized to be summoned, their attendance may be enforced by fine, to be provided for by proper ordinances and collected as other fines.

Bo'rd of health

SEC. 36. *Be it further enacted*, That the mayor and councilmen, for the preservation of the health of the city, shall have power to organize and regulate a board of health, and require the aid and assistance of all persons in the city in carrying into effect their ordinances or by-laws in reference to the preservation of the health of the citizens of the city; and they shall have the right to require professional men and others to give their written opinions touching contagious and infectious diseases or other malignant types of disease prevailing, or likely to prevail, within the limits of the city; and also in regard to any matter which affects, or is supposed to affect the health or lives of the inhabitants of the city. And when any nuisance shall be declared by the said board of health to be prejudicial to the health of the city, or any part thereof, and shall by them be so reported in writing to the mayor, he shall cause said nuisance to be abated by the marshal or other proper officer of the city without delay.

The poor.

SEC. 37. *Be it further enacted*, That the mayor and councilmen shall have power and authority, concurrent with the probate court and overseers of the poor of this State, to provide for the indigent, lame and blind, and others not able to maintain themselves and residing within the city.

Taxes.

SEC. 38. *Be it further enacted*, That the mayor and councilmen shall have power to levy taxes on real and personal property, auction sales, and sales of merchandise, and capital employed in business within said city,

and street tax on all male inhabitants of the city of the age of twenty-one years and upwards. The tax on real and personal property shall be levied in pursuance of the provisions hereafter contained; *Provided*, That each person liable to pay the tax upon sales at auction and sales of merchandise shall, once in every month in each year, to-wit: on or before the fourth day of the month, give in, under oath, to the city clerk, the gross amounts of sales of each preceding month; and the tax collector shall collect the tax so levied by the mayor and councilmen upon such sales; and that the mayor and councilmen may provide, if not already done, and enforce such penalties as they may deem necessary for the enforcement and collection of such taxes of such persons as fail to report and return the sales of the preceding month as above provided; *And provided further*, That no tax shall be levied upon sales under judicial proceedings by guardians, executors or administrators, and sales of property under the provisions of deeds for the security or payment of debts, or under judicial process; and no tax shall be levied on the sales of cotton as merchandise; *And provided further*, That the street tax hereinbefore provided for is hereby fixed at two dollars for each person liable therefor under this act, which street tax shall be exclusively applied to the improvement of the streets and sidewalks of said city.

Street tax.

Tax on sales at auction and sales of merchandise collectible monthly.

Exemptions.

Street tax \$2 for each pers'n

How applied.

SEC. 39. *Be it further enacted*, That the tax assessor of the city of Selma shall assess all the taxable property in said city, except the real estate; and to this end, he shall give ten days notice in a newspaper published in said city, that he will attend at a time specified, for ten days, at some public place in the city, for the purpose of assessing the taxes of the city. And it shall be the duty of each tax payer to return to the assessor within said time, under oath, a full, correct, and complete list and valuation of his taxable property in said city, other than real estate, together with a full and complete description of his real estate in the city; and in case any tax payer shall fail or neglect to return a full, correct and complete list of his personal property to the said assessor within the time herein prescribed, the said assessor shall ascertain, from inquiry or otherwise, the personal property upon which such person is liable to be taxed, and assess the tax upon the same according to the best of his information and judgment; and whenever the said assessor

Duties of assessor.

Notice.

Return by tax payer.

In case of failure assessor to assess.

Escaped prop-erty. shall discover persons who, or property which, has escaped taxation in any previous assessment, he shall assess the taxes thereon, if the same be personal property, for such years as such persons or property have escaped taxation; and if the same be real property, he shall report the same to the board of assessors of real estate hereinafter provided for, who shall assess the taxes thereon for such years as such persons or property have escaped taxation; *Provided*, That no tax shall be assessed against personal property for previous years, except for the time during which the person owning such personal property at the time of such assessment has owned the same. And when said assessor has reason to believe that any person who has been assessed is about to leave the city, he shall at once notify the city tax collector, and on failure of said tax collector to act, such collector shall be liable for the full amount of such tax.

Proviso.

Tax payer removing.

SEC. 40. *Be it further enacted*, That the mayor and councilmen shall elect two persons who are residents of the city, and owners each of real estate therein, of the value of one thousand dollars, who, together with the city tax assessors, shall constitute a board of assessment of real estate, whose duty it shall be to assess the cash value of the real estate in the city. Each member of such board shall, before entering upon his duties as such, subscribe an oath, in writing, to assess the real estate in the city of Selma at its cash value, and to discharge the other duties of his office faithfully, impartially and to the best of his judgment, which oath shall be filed with the city clerk.

Board of assessment of realty.

Oath.

SEC. 41. *Be it further enacted*, That when said assessment and valuation of the property, both real and personal, of the city, containing all the property therein, as well as the names of the owners thereof, shall be completed, it, together with all lists, shall be lodged with the city clerk; and the same shall be open for inspection to all persons interested therein; and the mayor shall give ten days notice in a newspaper published in the city, that the assessment and valuation are completed and ready for inspection.

Assessment filed and notice given.

SEC. 42. *Be it further enacted*, That a board of equalization, consisting of three residents of the city and owners of real estate therein, each to the value of two thousand dollars, shall be elected at the times the mayor and councilmen are elected, by the voters at said election,

Board of equalization.

Elected by voters of city.

who are the owners of real estate in the city, whose duty it shall be to examine the assessment of real estate made by the board of assessors, and revise, correct and equalize such assessment, so as to make the valuation of the real estate therein assessed conform to the true cash value thereof at the time of the action of the said board of equalization. But if said board should conclude that the valuation of any real estate should be increased, the same shall not be increased without notifying the tax payer or his agent in writing, to appear before said board upon some day therein named, and show cause, if any he can, why such valuation of said property should not be increased, which notice may be served by the marshal or any policeman of the city. If any person feeling himself aggrieved by reason of the erroneous or excessive valuation of any of his real estate, he may appeal to said board of equalization for correction or abatement. Said board shall have the power to summon witnesses and to hear proof touching the value of any real estate, both for the city and for any tax payer, who is aggrieved at the valuation of his real estate. Before entering upon these duties, the members of said board shall subscribe an oath in writing, to discharge the duty of fixing the cash value of the real estate in the city impartially and to the best of their judgment and information. Due notice shall be given by the mayor of the sittings of said board. The mayor and councilmen shall prescribe appropriate regulations for the government of said board in the discharge of their duties. In conducting the city elections the inspectors shall keep separate ballot boxes, in which shall be deposited the ballots for the members of said board of equalization.

Duties.

Proceedings when valuation increased.

Proceedings when diminished.

Oath of office.

Notice of sittings.

Separate ballot boxes for members of board.

SEC. 43. *Be it further enacted*, That after the assessment of the real estate shall have been equalized, and the corrections made as provided in the preceding section, it shall be the duty of said board to return said assessment to the mayor and councilmen, with the following certificate, to-wit: "We, the members of the board of equalization of the city of Selma, do hereby certify that we have equalized and corrected the assessment of the real estate in the city of Selma, by adding to, and deducting from, the valuation of the real estate made by the board of assessors thereon, (or without adding to, and deducting from, the valuation made by the board of assessors, as the case may be,) and have ascertained

Return of corrected assessment.

Certificate.

the aggregate value of the taxable property in the city of Selma to be _____ dollars, for the year 18—.”

Tax levied on
such valuation.

And thereupon the mayor and councilmen shall levy a tax on such valuation, and the valuation of personal property as returned by the assessor, making no distinction as to persons. The mayor and councilmen shall allow to the members of said board of equalization and to the two persons assisting the tax assessors on the board of assessment of real estate, a reasonable compensation for their services. In case of a vacancy in the board of equalization, the same shall be filled by election by the mayor and councilmen.

Compensation
of board.

Mayor shall is-
sue his war-
rant on such
assessment to
collector, with
list.

SEC. 44. *Be it further enacted*, That after the assessment of the property in the city shall have been returned to the mayor and councilmen, and they have levied a tax thereon, as hereinbefore provided, the mayor shall issue his warrant annexed to the tax list, to the collector of the corporation tax, which list shall contain the description of the real estate taxed, its valuation, and the taxes assessed thereon, and also the amounts of the personal property valued or assessed to each person, with the tax assessed thereon, and the name of each person liable to pay a street tax, as hereinbefore provided.

Contents of
list.

Assessment
and levy have
effect of judg-
ment.

Notice of time
of payment
given by col-
lector.

If payment not
made levy m'de
by collector.

SEC. 45. *Be it further enacted*, That all the taxes assessed, and levied by the mayor and councilmen, shall have the force and effect of a judgment at law against the individual assessed with the same, and it shall be the duty of the tax collector, after giving thirty days notice in some newspaper published in the city of Selma, that the city taxes (or the particular tax due, as the case may be,) are required to be paid to him on or before a certain day specified, if the same shall not be paid, to levy on the real and personal property of the individual or corporation assessed, and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed, and one dollar to the tax collector for making the levy and sale; and the sale, if it be of personal property, shall be advertised for at least ten days; if it be of real property, for at least twenty days, in a newspaper published in said city. But if at any time after the taxes have been levied upon any property, the tax collector shall become satisfied that the taxes of any person are in danger of being lost by delay, he shall be and he is hereby author-

ized to seize, levy upon without delay and sell any personal property liable for the payment of such taxes.

SEC. 46. *Be it further enacted*, That if any real estate shall be assessed to unknown owners, or to persons who are unknown, and the taxes and dues assessed on them shall not be paid within sixty days from the time when the said taxes and dues are required to be paid, then the tax collector shall give notice in some newspaper published in the city of Selma, or by printed sheets, circulated therewith; and also put up for public inspection at the mayor's office, or either, as may be deemed most expedient, which notice shall contain a description of the lots on which the said taxes have been levied, when levied, and the amount of taxes so levied or assessed, and the amount of taxes unpaid and due on said property, and that he, at a certain time and place, named in said notice, will proceed to sell each of said lots of land upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same, or on such day as he may adjourn the sale to, the tax collector shall proceed to sell any lot on which the taxes and dues shall not be paid, or so much thereof as will satisfy the tax and dues, and two dollars as a fee for advertising and making certificate thereof; *Provided*, That the real estate of minors and the tenements of non-resident owners, may be rented until the taxes and dues on the said property of such persons shall be paid.

Unknown owners.

Proceedings in case of non-payment.

Sale.

Estates of minors and non-residents.

SEC. 47. *Be it further enacted*, That the tax collector shall give to the purchaser or purchasers of real estate at tax sales, a certificate to the following effect: I —, as tax collector of the city of Selma, do hereby certify that the city taxes for the year 18—, (or the particular tax, as the case may be,) being due and unpaid on a lot of land in said city, bounded and described as follows: (here shall be inserted a description of the lot or lots by streets and bounds,) I have this day sold the same (or such undivided part thereof as he may sell) to —, who has paid the taxes thereon, including my fee of two dollars for making said sale; and by virtue of the authority to me given by law, I authorize the said — and his assigns to hold the said premises until the same shall be redeemed according to law. Witness my hand and the seal of the corporation, this — day of —, 18—.” And to this certificate the mayor shall affix the seal of the city. The purchaser of any real estate at

Certificates of purchase.

Form.

Demand of any tax sale thereof may demand possession of the person in the occupation of the same at any time after the expiration of ten days from the day of purchase; and in the event of the failure or refusal of the person in the occupation thereof to surrender the premises so purchased, to the purchaser, within fifty days after such demand, the person or persons occupying the same shall be guilty of an unlawful detainer, and the purchaser may institute suit before any justice of the peace in the city of Selma, for the recovery of the possession of said premises, and damages for the detention thereof. From the judgment of such justice of the peace an appeal may be taken to the circuit court of Dallas county, as in other cases of unlawful detainer. In cases where the lots or lands sell for less than the taxes due, the tax collector shall certify the price for which the same sold, and the amount of tax still due and unpaid after said sale.

On refusal to deliver possession may institute suit.

Appeal.

SEC. 48. *Be it further enacted*, That it shall be the duty of the mayor to cause the clerk of the corporation, or such other person as may be charged with the duty, to record each of the said certificates in a well bound book, to be kept for the purpose, before he shall permit the seal of the city to be affixed, and no other fees or charges shall be received for advertising or making said certificate, seal or record, than is prescribed by this act; and the city is authorized to purchase property sold at tax sales, which sells for no more than the tax due and the expenses of the same.

Certificates to be recorded before seal affixed.

City may purchase property when no more than taxes bid.

SEC. 49. *Be it further enacted*, That any lots of land, or real estate, which have been sold for taxes, may be redeemed within two years from the day of sale, by any person claiming title, who will deposit with the city treasurer, for the use of the purchaser, the amount of the purchase money with sixteen per centum per annum interest, together with all the taxes which may remain due to the city on said property, after applying to their payment the amount of said purchase money, and also the fees due for making the sale, including all expenses thereof, with sixteen per centum per annum interest on said taxes and fees and expenses, of which sum so deposited the city shall pay to the purchaser whatever may be due him, and retain whatever may be due the city or its officers; and upon such deposit being made, the title created by the sale and certificate herein provided, shall

Redemption.

Rate of interest when redeemed.

cease and determine, and the purchaser and claimants under him shall relinquish possession; and shall, after notice of said redemption, and a failure on their part to give up possession, be deemed unlawful detainers of said property, and shall be liable as such to any appropriate suit or action therefor, at the instance of any one entitled to the possession.

SEC. 50. *Be it further enacted*, That if the lots of land or real estate shall not be redeemed within the period of two years from the day of sale, the purchaser, his heirs or assigns, may perfect the titles to lot or lots, or real estate purchased, by publishing the certificate issued by the tax collector for the term of three months, in some newspaper published in the city of Selma, with the following notice subjoined: "All persons claiming an interest in the above described lots or real estate, are required to establish the same by suit in the circuit court of Dallas county, against me, within twelve months from the date of this notice, or their claim will be forever barred." And if no suit is commenced within the said term of twelve months, then the title under the certificate shall be complete and perfect; and if suit be commenced in time, and the plaintiff establish his title and right of recovery of the property, he shall not recover damages; and no writ of possession shall issue in the event of the recovery, unless the plaintiff shall pay the taxes due on the same, the purchase money, fees and interest at the rate of sixteen per centum per annum on the same, and the costs of advertising and the court costs in the circuit court, to be adjudged by said court. But no estate of any infant shall be barred, provided the infant pays the purchase money, taxes and fees and expenses due, and interest thereon at the rate of sixteen per centum per annum, and also establish his title by action in the said circuit court, commenced within two years after the removal of his disabilities of infancy.

Mode of perfecting titles when land not redeemed.

Infants.

SEC. 51. *Be it further enacted*, That the certificate aforesaid shall be *prima facie* evidence of the regularity of all previous proceedings and of all the facts stated therein, and also that all the requirements of the law in reference to the levy and assessment of the taxes and the sale of the property were regular, and this act shall be construed as a remedial act.

Certificate prima facie evidence of regularity and facts stated therein.

SEC. 52. *Be it further enacted*, That the tax collector

Tax collector to be charged with amount of assessed taxes.

How he may discharge himself.

Uncollected taxes continue a lien.

Tax collector may sell and give certificate

If purchaser fails to pay subsequent assessments he forfeits rights under purchase.

Tax on public balls, bowling alleys, horse races, &c.

Tax on transient merchants, steam boats, &c.

shall be charged with, and accountable for, the whole amount of assessed taxes for each year, and he shall only discharge himself from such accountability by showing an account of the entire insolvency of the persons assessed, and by showing that the amount for which he claims credit has not been collected by him, and that it could not be collected by the means given him by law.

SEC. 53. *Be it further enacted*, That such part or portion of the assessed taxes as cannot be collected by the means provided shall continue a lien on the property assessed until paid, and the tax collector shall be authorized from time to time to expose for sale, under the provisions of this charter and the by-laws which may be made, such lots or other property as shall not have the tax paid thereon; and the same certificate shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon as in other cases herein provided for.

SEC. 54. *Be it further enacted*, That if any purchaser of a lot under a sale by a tax collector shall fail or omit to pay any subsequent tax or assessment, he shall forfeit all right under his purchase at city tax sale, and shall be bound to relinquish the possession. And if the said lot or real estate shall be subsequently sold for the taxes due thereon, the person so holding under the first sale shall, after notice and demand, be deemed guilty of unlawful detainer, and shall be as such liable to suit or action for the possession at the instance of any person entitled to its possession.

SEC. 55. *Be it further enacted*, That the corporate authorities aforesaid shall have authority to assess and collect a tax on any public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine-pin alleys, ten-pin alleys, bowling alleys, horse races and any and every other public game or public place of amusement; and the amount of taxes provided for by this section shall be fixed by the mayor and councilmen, and may be collected by a license, or in such other mode as may be deemed best.

SEC. 56. *Be it further enacted*, That the mayor and councilmen shall have authority and power to levy a tax on itinerant or transient merchants, steamboats or other vessels that remain in said corporation less than one year, and also to regulate, control and tax street or other railroads, which tax shall be levied and collected

at such time and in such manner as the corporate authorities may direct.

SEC. 57. *Be it further enacted*, That the corporate authorities of the city of Selma shall have authority to impose and collect from all persons or corporations trading or carrying on any business, trade or profession, by agent or otherwise, within the limits of said city, a license tax on such business, trade, profession or calling which shall be fixed by ordinance or by-law from time to time, and the amount of the license to be regulated by the nature of such business, trade or profession, and it shall be the duty of the tax collector to collect the same; but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention, without employees, shall not be subject to the license in this section provided.

SEC. 58. *Be it further enacted*, That in all cases where the assessors of the city taxes of any kind shall be authorized by law to assess the value of real or personal property in said city, the only rule of appraisement shall be the cash value of the property so assessed, and the assessors in all such cases of assessment make out before the mayor of said city, or some other officer authorized by law to administer oaths, that he or they has or have valued and set in the tax lists the property therein set out and assessed according to his or their best judgment, at its value in money at the time of the assessment, which oath or affirmation shall be written at the end of every such assessment list, and shall be subscribed by the assessor or assessors making the assessment.

SEC. 59. *Be it further enacted*, That full power and authority are hereby given to the corporate authorities aforesaid to establish such lawful rules and regulations for the assessment and collection of dues, taxes, licenses and revenues hereby provided for as they may deem necessary, and to issue all lawful process and proceedings which they may deem requisite to enforce the same, and also to impose such fine and penalty for the violation of any provisions of this act, or of any by-law or ordinance of said corporation made in pursuance of this act, as they may deem requisite and proper, and to collect the same as other fines and penalties are collected; *Provided*, That no tax shall be levied on churches, par-

License tax.

Rule of appraisement.

Oath of assessor.

Corporate authorities may establish rules and issue process for the assessment and collection of taxes as provided by this act.

Fines and penalties.

Proviso.

sonages, school houses or charitable institutions in said city.

Fines and forfeitures collected by execution.

Execution issued by clerk and executed by marshal or police officer.

SEC. 60. *Be it further enacted*, That all fines and forfeitures adjudged or assessed against any person or persons by the mayor or any of the councilmen of said city under and by virtue of any statute of this State, or any proper ordinance or by-law of said city, or of this act, may be enforced and collected against any such person or persons by execution to be issued by the clerk of said corporation, and directed to and to be executed by the marshal or any police officer of said city, which execution, in all respects except in the direction thereof as aforesaid, shall conform to and be governed by and executed by the officers aforesaid in the same manner as is required by the laws of this State regulating executions by justices of the peace.

Marshal & policeman ex officio constables.

Powers.

SEC. 61. *Be it further enacted*, That the city policemen, the marshal and his assistants are hereby constituted *ex officio* constables of this State within the city of Selma, and as such are authorized to preserve the peace and arrest for a violation of law in their presence, or in the presence of either of them, any person or persons, and to make arrests to prevent a violation of law in their presence, or in the presence of either of them, any person or persons without warrant, as other peace officers of the State are authorized to do, and they are authorized to execute all process to them directed; and for the purpose of performing their duties they are empowered to call to their aid any and all citizens. They are hereby entitled to the exemptions, privileges and protection given by law to constables and to peace officers of this State.

Mayor may issue process as justice of the peace.

Also councilmen.

Trial of offenders.

SEC. 62. *Be it further enacted*, That the mayor or either of the councilmen of said city shall issue process as a justice of the peace against any person who is not in the custody of the city authorities for offense committed under this act, and for a breach or violation of all or any of the by-laws or ordinances of the said corporation or the laws of the State, directed to any police officer of said corporation, who shall bring the offenders, in pursuance of the said process, before the mayor, or before any one or more of the councilmen, and the mayor or councilmen shall proceed to try the offender and may examine such witnesses as may be offered, and shall, if desired, subpoena witnesses, and in default of

their appearance after service of subpoena, shall fine such witnesses as may have been subpoenaed and failed to appear or render a good excuse, not exceeding twenty dollars, to be enforced as other fines are enforced. The offenders and the corporation shall both have an opportunity to produce witnesses, and the mayor or councilmen trying said cause, after hearing the testimony, shall pronounce such judgment as to him shall appear just and legal. The mayor or councilmen trying such offender shall have power to fine or to imprison, or to fine and imprison, or to sentence the offender to labor on the streets or public works of the city or for the city; and in case the fine and costs are not paid, to require the party thus in default to work out the fine and costs under the direction of the city officers; *Provided*, That no fine shall exceed one hundred dollars, and no imprisonment or work on the streets or public works of or for the city shall exceed ninety days. In cases where the parties tried before the mayor or councilmen are dissatisfied with any judgment rendered by the mayor or councilmen, he or they may forthwith appeal to the circuit court of Dallas county, by giving bond, with good security, to be approved by the mayor or councilmen, to pay and satisfy the judgment with costs in case the judgment shall be affirmed by said circuit court, or to pay such judgment as the said circuit court may render in said appeal cause; but unless such bond be given within five days from the date of the judgment of the mayor or councilmen, then no appeal shall be allowed from such judgment. The proceedings on such appeal, when the bond is approved by the mayor or councilmen, shall be as prescribed by law in case of appeal from the judgment of a justice of the peace in civil cases, except as herein provided. If such defendant fail to appear in said circuit court when said cause is called for trial, the judgment of the mayor or councilmen shall be affirmed by said circuit court, and judgment shall be rendered against the defendant and the sureties on his appeal bond for the amount of the fine imposed by the mayor or councilmen, and costs of the appeal and ten per cent. damages, unless good cause is shown to the court for his absence or default. And in case the said defendant appears, and judgment is rendered by said circuit court against said defendant for money, the court must also render judgment against his sureties on the appeal bond

Witnesses.

Punishment.

Proviso.

Appeals.

Bond.

Proceedings on appeal.

If defendant fail to appear judgment affirmed and judgment rendered against him and sureties.

When remanded for punishment.

City may appeal from circuit to supreme court.

Mode of pledging faith of city.

Rate of taxation limited.

Effect of this act explained.

Tax on goods, &c., limited.

Free schools.

for the amount of such judgment and costs of the appeal; and if the judgment of the said court be that the defendant be imprisoned or put to hard labor for the city, then said court shall render judgment against the defendant and his sureties on the appeal bond for the costs of the appeal and of the trial before the mayor or councilmen, and remand the defendant to the city authorities for punishment. In case of the death of the party appealing, the action may be revived by or against his personal representative in all cases where the cause of action may be properly revived. From the judgment of said circuit court the city may appeal to the supreme court of the State by giving security for the costs of such appeal. On the trial of such appeal causes in the said circuit court, any code or book containing the by-laws and ordinances of the said city of Selma, and purporting on the face thereof to be printed by authority of the said city government is evidence of the contents thereof without further proof.

SEC. 63. *Be it further enacted*, That in no case shall the faith of the city be pledged for the payment of money, unless it be by the vote of two-thirds of the councilmen and approved by the mayor; and in no case shall the private property of citizens be sold to pay the debts or obligations of the city.

SEC. 64. *Be it further enacted*, That no more than one per cent. *ad valorem* shall be collected as a tax on real estate in any one year, except for the payment of debts already contracted.

SEC. 65. *Be it further enacted*, That no prosecution, suit, claim or existing right whatsoever, pending or to be brought or set up under existing laws, shall in any manner be affected, impaired or altered by the passage of this act.

SEC. 66. *Be it further enacted*, That the tax levied on the business of every vender of goods, wares and merchandise, drugs and medicines, or either of them, shall not exceed the rate of one-fourth of one per cent. on the amount of sales of such venders in any one year.

SEC. 67. *Be it further enacted*, That the mayor and councilmen shall have full power to establish free schools and to regulate them, and for this purpose may appropriate not exceeding ten per cent. of the gross revenue of the city.

SEC. 68. *Be it further enacted*, That any person who

shall fail or refuse to pay just dues to hackman or drayman at the time the service is performed, is hereby declared to be guilty of a misdemeanor, and may be arrested by the marshal or any member of the city police, and brought before the mayor or any councilman presiding, and on conviction, may be fined not exceeding fifty dollars for each offense, and from the proceeds of said fine said hackman or drayman shall be paid his just due.

Refusal to pay just dues to hackmen and draymen a misdemeanor.

Penalty.

SEC. 69. *Be it further enacted,* That the mayor and councilmen shall have authority to suspend or depose, by a two-thirds vote of the whole number of councilmen, the marshal, clerk, physician, or any officer or employee elected or appointed by them, for habitual drunkenness, malfeasance in office, or neglect of duty without good excuse, and to appoint another in place of such person suspended or deposed, who shall continue in office until the next general election for city officers, and until his successor is elected and qualified; but before any officer shall be deposed as herein provided, he shall have five days notice in writing of the purpose to investigate his conduct. A councilman may be deposed for misconduct in office, habitual drunkenness or neglect of his duty as councilman, by a two-thirds vote of the whole number of councilmen. The mayor may be removed from office for malfeasance in office, habitual drunkenness, or for any cause which permanently incapacitates him from discharging his duties, by the circuit court of Dallas county, on the presentment of two-thirds of the whole number of councilmen. The charges and specifications shall be filed in the office of the clerk of said circuit court by the council, in the name of the city, signed by at least two-thirds of the councilmen, and attested by the city clerk, under the seal of the city, and notice to the mayor of the filing of the same shall be issued by the clerk of the said circuit court and served by the sheriff of the county. The case shall be put upon the docket and stand for trial at the first term of the court after the filing of the charges, provided twenty days notice has been given to the mayor. If said notice has not been given, then the next term shall be the trial term. The trial shall be conducted according to the rules of practice in criminal cases, and the mayor shall have the number of challenges of jurymen allowed the defendant, and the city the number allowed the State in case of felony not capitally punished. The

May suspend or depose marshal, cl'rk, physician or officer or employee.

A councilman may be deposed.

Mayor may be removed.

Charges and specifications to be filed.

Trial of charges.

Notice.

Mode of conducting trial.

Challenges of jurymen.

Evidence under plea of "not guilty." mayor, under the plea of "not guilty," may give in evidence any matter tending to show that he ought not to be removed from office. The judge of the circuit court

Circuit judge of Dallas may suspend mayor or. of Dallas county may, in vacation, or at any time before trial, on exhibition of the charges to him, suspend the mayor when the presumption of his final removal is great. The judgment of the court in trials under this section shall not extend beyond the removal from office, and the imposition of costs on the unsuccessful party.

Mayor and councilmen prohibited from acting as attorneys in certain cases. SEC. 70. *Be it further enacted*, That neither the mayor nor any councilman, nor any other officer of the city, shall act as attorney or agent for any other person in procuring the allowance by the city government in any of its departments, of any claim, demand or other thing against the city; and any officer who violates the above provision shall forfeit his office. It shall not be lawful for the mayor or any councilman to contract with the

Penalty.

Nor shall they be interested in any contract made by city. city, or to be interested in any contract with the city, made by any other person for any service, labor or job or other thing for which the city has to pay, during their term of office, and any contract made in violation of this provision shall be utterly void.

Term of office of marshal et al. Proviso. SEC. 71. *Be it further enacted*, That the marshal, clerk, tax collector, tax assessor, treasurer, market clerk, and engineer, shall hold their office during the term of office of the councilmen electing them, and until their successors are duly qualified; *Provided*, that the mayor and councilmen shall have the power to abolish any of said offices, or to consolidate any two or more of them.

Vacancies, how filled. SEC. 72. *Be it further enacted*, That the mayor and councilmen of said city shall have full power and authority to fill any vacancy which may occur, from any cause, in the offices of mayor, councilman, or any other city officer or employee.

Repeal. SEC. 73. *Be it further enacted*, That the act entitled "an act to establish a new charter for the city of Selma," approved December 4th, 1868, and all the amendments to the same, be and the same are hereby repealed; but this act is not intended to affect in any manner an act entitled "an act to authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city," approved February 23, 1872.

Approved March 8, 1875.

No. 287.]

AN ACT

To incorporate the town of Town Creek, in the county of Lawrence, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Town Creek, in the county of Lawrence, State of Alabama, be and the same is hereby incorporated, and that the corporate limits of said town shall extend one-half mile east, and one-half mile in every other direction from where the railroad depot now stands; and the present and the future inhabitants of the town of Town Creek, as by this act incorporated, shall be and they are hereby made and constituted a body politic and corporate, under the name and style of the Town of Town Creek; under and by which name and style the corporate authorities shall sue and be sued, either in law or equity, and may purchase and hold property to the amount of five thousand dollars, and do all acts incident to bodies corporate.

Corporation.
Corporate limits.
Style of corporation.
May sue and be sued.

SEC. 2. *Be it further enacted,* That the government of said town shall be styled "Mayor and Council of Town Creek," and shall consist of a mayor and five councilmen, citizens and holders of real estate in said town to the value of fifty dollars (\$50), who shall serve for the term of one year, and until their successors are elected and shall qualify. Said officers shall be elected by the male inhabitants of said town over the age of twenty-one years, who shall have resided within its corporate limits three months next preceding the election.

Government.
Officers, &c.
Electors.

SEC. 3. *Be it further enacted,* That all elections for said officers shall be held on the eighth (8th) day of October, but the corporation shall not be dissolved should the election not take place on the day appointed, but the mayor and councilmen shall remain in office until their successors shall be elected and are qualified; and they shall order an election on some day not more than thirty days thereafter. The election for mayor and councilmen shall be in all cases conducted under the supervision of any two or more officers, except in the first election, which shall be held and managed by A. P. Odom, A. B. Hall, and R. G. Bayliss; and all subsequent elections shall be held by two of the councilmen, to be appointed by the board for that purpose. The mayor and council

Elections.
Not dissolved on failure to hold election.
How first election held.

shall determine the legality of elections, declare who have been elected, and in case of a tie, shall determine who shall be mayor or councilmen.

Vacancy filled
by council.

SEC. 4. *Be it further enacted*, That should any vacancy occur in the office of mayor or councilman, such vacancy shall be filled by the remaining members of the board.

Powers.

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power, (1) to employ a clerk, who shall also assess the taxes; a marshal, who shall collect the taxes; also, to employ counsel for advice and for the prosecution of offenders and the defense of all suits against said town of town creek; (2) to determine the fees and salaries of said officers; (3) to pass such laws and ordinances as may be necessary to maintain the powers herein granted; (4) to prevent and remove nuisances, at the cost of the person or persons causing them, or on whose premises they are found; (5) to license, tax, regulate, or restrain any or all shows or exhibitions, public concerts, or other amusements; (6) to prohibit all disorderly houses, houses of ill fame, racing, prize-fighting, cock-fighting, and gaming houses, within the limits of said town; (7) to prevent and punish all breaches of the peace and disorderly conduct, assaults, and assaults and batteries; (8) to establish night and day police; (9) to prevent and disperse all unlawful assemblies; (10) to keep in repair all public wells, sidewalks and streets, and to open the same when closed, and to keep the same free from obstruction; (11) to license and tax the sale of malt and spirituous liquors, and to prohibit the sale of the same within said corporate limits by any person without having procured a license from the mayor and councilmen of said town; (12) to license and tax billiard tables, except those for private use, bowling alleys, and peddlers; (13) to prevent and punish violations of the Sabbath, any disturbance or interference with public or private worship; to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions; (14) to prevent stock from running at large in the streets of said town, when necessary; (15) to prevent and punish wanton, willful, or malicious mischief to houses, fences, fruit trees or shade trees, or any other property within the corporate limits of said town; (16) to punish, by fine not exceeding fifty dollars and imprisonment or hard labor on the streets of said town, one or both, for not exceeding thirty days, any breach or vi-

ulations of the laws, regulations, by-laws, or ordinances of said town, and to punish for the non-payment of any fine due said town by imprisonment or hard labor, as aforesaid, at the rate of one day for each dollar assessed against the offender; *Provided*, That in all these cases wherein the judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court of Lawrence county, under the rules and regulations prescribed by the laws of this State in cases tried before justices of the peace. Appeal.

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real, personal, or mixed, within the limits of said corporation, such taxes as may be necessary to defray the expenses of said corporation, not exceeding one-tenth of one per cent. of the assessed value of said property, and to collect and enforce the same according to the provisions of this act. Taxation.

SEC. 7. *Be it further enacted*, That an assessment of all the property of said town subject to taxation shall be made annually to the owner of said property, if known; otherwise, assessing to "owner unknown;" and upon failure or refusal of any person to give in his or her property when required to do so, the assessor must proceed to assess from the best information he can obtain; the assessment when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given, by posting, of the time and place, when and where, the board will correct errors. When errors have been corrected, the assessment must be marked approved. Assessment.

The assessment so approved shall have the force and effect of a judgment and execution, and the person collecting said taxes may, on failure on the part of the owner of such property to pay such or said taxes, collect the same by levy upon and sale of such property, or any other property of any kind owned by such delinquent tax payer; *Provided*, That no property of any description is exempt from such tax, and the tax herein provided for is hereby declared to be on the same footing and of the same grade as taxes levied for State and county purposes. All sales of real or personal property under the provisions of this act, must be advertised by posting notice for fifteen (15) days in some public place in said town, and such advertisement must contain a description of such property, the name of the person to whom assessed, and the amount of the taxes for which Notice.

Assessm't has force of judgment.
On failure to pay taxes sale authorized.
Sales to be advertised.

Certificate of purchase.

Right of redemption.

Residents exempt from road duty.

Additional powers.

Marshal.

Mayor ex officio justice of the peace.

Fees.

Jurisdiction as Mayor.

it is to be sold. Certificates of purchase must be given by the mayor of said town, in form similar to those given in sales of property for payment of State and county taxes, and shall have the same force and effect to transfer title thereto; the right of redemption of real property so sold shall be the same as the right of redemption provided for by the laws of Alabama, as contained in the Revised Code.

SEC. 8. *Be it further enacted*, That all persons residing within the said corporate limits liable to do road duty shall be liable, and are hereby required to work on the streets and roads within the corporate limits of said town, not exceeding ten days in any one year; *Provided*, That all such persons shall be exempt from working on such streets and roads by paying such street tax as the corporate authorities of said town may impose, not exceeding five dollars in any one year.

SEC. 9. *Be it further enacted*, That in addition to the powers herein granted, the mayor and council shall have the power to pass all laws and ordinances necessary for the peace, and health and good government of the inhabitants of the town of Town Creek.

SEC. 10. *Be it further enacted*, That the marshal elected or appointed under the provisions of this charter shall have the same power to arrest offenders, and to execute processes, and to enforce the by-laws and ordinances passed by the mayor and council, as constables and sheriffs have in their respective offices, and shall be vested with authority in the discharge of his duties as is conferred on said constables and sheriffs by the laws of the State of Alabama.

SEC. 11. *Be it further enacted*, That the mayor shall possess all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities; and for his services in such cases shall be entitled to the fees which are or may be by law allowed to justices of the peace, and his signature or act as mayor in such cases shall be of equal force as if done by him expressly as a justice; he shall, moreover, as mayor have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions, or other proceedings of the charter, ordinances, or by-laws of the corporation; he shall have jurisdiction of all proceedings by motion, *scire facias*, or other suits, and penal bonds payable to the mayor, or the mayor or

councilmen, taken under this act or the ordinances of this corporation, including proceedings and suits against the officers of this corporation and the sureties on their official bonds, for non-payment of taxes, other moneys collected or received, or for other delinquencies or defaults in office; and upon the judgment of the mayor, in any case in any branch of his jurisdiction as mayor or as justice, execution or appropriate process may be issued by the mayor, directed to and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of this State.

May issue appropriate process.

SEC. 12. *Be it further enacted*, That this act of incorporation shall commence and take effect from the date of its approval.

Approved March 8, 1875.

No. 288.]

AN ACT

To incorporate the town of Auburn, in Lee county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporation of the town of Auburn shall hereafter consist of a mayor and four councilmen, known and styled as "the mayor and council of the town of Auburn," and by their appropriate name may sue and be sued, plead and be impleaded, grant, receive and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal, which may be broken or altered at pleasure.

Corporation.

Name.

Powers.

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall embrace an area of land two miles square, the marginal lines of which shall be equidistant north, south, east and west, from the centre crossings of Centre and Main streets of said town.

Corporate limits.

SEC. 3. *Be it further enacted*, That on the first Saturday in January of each year an election by ballot for the mayor and four councilmen, resident land or householders, shall be held at some public place in said town; the persons having and receiving the largest number of

Election.

Term of office. votes for said offices shall be declared elected thereto, and shall, after having been duly qualified, serve as such for one year from the date of their election, and until their successors are qualified.

Oath of office. SEC. 4. *Be it further enacted,* That the mayor and councilmen shall severally, before they enter upon the duties thereof, take an oath before some person authorized to administer the same, that they will faithfully discharge the duties to them committed without fear, favor, affection or partiality, a certificate of which oath shall be filed with the clerk of the board of councilmen.

Electors. SEC. 5. *Be it further enacted,* That all male inhabitants above the age of twenty-one years, who shall have resided within the limits of said town five months immediately preceding an election for mayor and councilmen, shall be deemed qualified electors at such election.

Vacancies, how filled. SEC. 6. *Be it further enacted,* That whenever vacancies shall occur in the board of mayor and councilmen, such vacancy or vacancies shall be filled by the remaining members of the board, and the person or persons chosen to fill such vacancy shall, after being duly qualified, remain in the office until the next regular election, and until their successors are qualified.

Mayor and councilmen for one year. SEC. 7. *Be it further enacted,* That W. S. J. Lampkin, as mayor, and A. T. Rowe, L. W. Payne, O. D. Grout and W. B. Fraser as councilmen, be and the same are hereby appointed the mayor and council of the town of Auburn for the present year.

May pass ordinances, &c. SEC. 8. *Be it further enacted,* That the mayor and councilmen shall have power and authority to pass all such ordinances and resolutions, and make all such regulations, as may by them be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, to license, restrain and tax theatrical amusements, shows and circuses within the corporation, to restrain gambling, drunkenness, profane swearing, or other obscene or unlawful language, assaults and batteries, and all other breaches of the peace, appoint night watches and patrols, to cleanse and keep in repair streets and wells of said town, to remove and prohibit trespasses on the same, to levy, assess and collect taxes upon all property within said corporation, not exceeding one-half of one per cent. on the value of the property assessed, to grant licenses to, and tax auctioneers, auc-

Purposes of said ordinances
 Remove nuisances.
 Levy taxes on amusements, shows, &c.
 Restrain gambling, &c.

Levy and collect taxes.

tion sales, sales of merchandise, capital employed, and incomes within said corporation; to grant licenses to keepers of billiard tables and other places of public amusement, upon such conditions as they may prescribe; to prevent the introduction and spread of contagious or infectious diseases; to restrain or prohibit all disorderly or unlawful assemblies; to arrest and punish vagrants, and to punish violations of the Sabbath; to suppress houses of ill-fame, and punish prostitutes; to establish work houses and houses of correction; to regulate and establish markets, and generally to pass all such laws and ordinances not contrary to the constitution and laws of the State of Alabama as they shall deem expedient and necessary to carry into effect the meaning and intention of this act; to impose appropriate fines, forfeitures and penalties for the breach of their ordinances and by-laws; *Provided*, no fines, forfeitures or penalties on any one offense shall exceed twenty-five dollars, except for vending ardent spirits. In case of inability of any person upon whom any fine or penalty has been imposed, to satisfy said fine or penalty and the costs thereof, to sentence such person to labor for said town for such period not exceeding thirty days, for any one offense, as may be deemed equivalent to such penalty and costs, which said labor shall be designated by the mayor and councilmen, and under such regulations police and superintendent as they may provide. The said mayor and councilmen shall have power to appoint a clerk, marshal, treasurer, and such other officers as they may deem necessary, and require of them, severally, good and sufficient bonds, and to annex such fees and salary to the several offices as they may see fit.

Grant licenses.

Prevent introduction of contagious and infectious diseases.

Arrest vagrants.

Suppress houses of ill-fame.

Regulate markets.

Impose fines for violations of ordinances.

Proviso.

May appoint clerk, marshal, &c.

Bonds.

Fees and salaries.

SEC. 9. *Be it further enacted*, That no person shall be allowed to sell ardent spirits in the town of Auburn except upon the certificate of some regular practicing physician, and if any person shall, in violation of this act, sell ardent spirits in the town of Auburn, the corporate authorities of said town shall have the power to fine the said offender in any sum not exceeding five hundred dollars.

Sale of ardent spirits prohibited except upon certificate of physician.

Penalty.

SEC. 10. *Be it further enacted*, That the mayor and each member of the board is hereby authorized and required, for all breach of the by-laws and ordinances of said town committed in his view or upon complaint verified by affidavit, that such offense has been committed,

Mayor and councilmen may cause arrests.

May try and
punish offend-
ers.

to cause the party offending to be arrested by the marshal and brought before the mayor or some one of the councilmen, to answer for said offense, and if, upon conviction of said offense, the guilty party shall fail to pay the fine or penalty assessed against him, execution shall be issued to the marshal of said town of the goods and chattles of the offender to make the amount of the fine and costs.

Citizens ex-
empt from
road duty.

SEC. 11. *Be it further enacted*, That all persons living within the corporate limits shall be exempt from working on public roads outside of said town.

May'r and mar-
shal ex-officio
justices of the
peace.

Jurisdiction as
such.

SEC. 12. *Be it further enacted*, That the mayor and marshal shall be ex-officio justice of the peace and constable, during the time they may continue in their respective offices, within the limits of said town, for the purpose of carrying into effect the by-laws and ordinances of said town of Auburn. And in addition to their jurisdiction as mayor and marshal as aforesaid, they shall have all the civil and criminal jurisdiction, power and authority of a justice of the peace and constable, in and for said county of Lee, without limitation of precincts, beats or districts, and that they are hereby clothed and empowered with such jurisdiction, power and authority of the justices of the peace and constables throughout the limits of said county of Lee, in this State. And the said mayor and each and every one of the said councilmen shall, in all cases of assaults, assaults and batteries, and affrays, in which no sticks or other weapon is used, occurring in the said town, and in cases of larceny in said town, when the value of the commodity which is the subject of the crime, does not exceed twenty-five dollars, have and exercise concurrently with justices of the peace and county court, jurisdiction of such offences. And all fines and penalties imposed by virtue of this authority shall be paid into the town treasury, and the mayor and councilmen shall have the same power to enforce the collection of said fines or to cause the offenders to perform an equivalent in labor for the corporation, as in cases of violation of the by-laws and ordinances of the town.

Concurrent
jurisdiction in
certain cases
with justices
and county
court.

Fines paid in-
to town treas-
ury.

Power to col-
lect fines.

Powers of con-
stables.

Liabilities.

SEC. 13. *Be it further enacted*, That the constable authorized to be appointed by this act, shall possess all the powers, and be authorized and required to perform all the duties which other constables in said county are, and shall be subject to the same penalties and liabilities.

He shall give bond, with approved security, in such Bond.
amount as shall be required by the mayor and council-
men for the faithful performance of his duties, which Filed in pro-
said bond shall be filed in the office of the probate judge's
of Lee county. office.

SEC. 14. *Be it further enacted*, That if any person
against whom a penalty shall have been assessed by the
mayor or councilmen, or either of them, shall be dissat-
isfied with the decision, he may forthwith appeal to the Appeal.
circuit court of Lee county; but shall give bond with Bond on ap-
good security to pay and satisfy the judgment with costs, peal.
in case the judgment shall be affirmed by said circuit
court, and the proceedings thereon shall be as prescribed
in other cases of appeals, and in case of the death of Proceedings
the person appealing, the action may be revived in the on appeal.
name of his personal representative.

SEC. 15. *Be it further enacted*, That all laws and parts Repeal.
of laws heretofore affecting or relating to the corpora-
tion of the town of Auburn, Alabama, be and the same
are hereby repealed.

Approved February 23, 1875.

No. 289.]

AN ACT

To incorporate the village of Henderson, in Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the village of Hender- Corporation.
son, in Pike county, are hereby created a body corpo-
rate, with all the rights, powers, privileges and immuni-
ties belonging to incorporated towns created under the
Revised Code of Alabama.

SEC. 2. *Be it further enacted*, That the corporate lim- Corporate lim-
its of said village shall extend one-half mile from the its.
church known as Wesley chapel, a Congregational
Methodist church; *Provided*, That no taxes shall be
levied by the corporate authorities of said village except
strictly for municipal purposes.

Approved March 18, 1875.

No. 290.]

AN ACT

To incorporate the town of Hartsell, in the county of Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Hartsell, in the county of Morgan, be and the same is hereby incorporated, and the corporate limits of said town shall extend six hundred yards east, west, north and south from the railroad depot at said town of Hartsell.

SEC. 2. *Be it further enacted,* That there shall be a mayor and five councilmen of said town; that until the first election, as hereafter provided, J. F. Turney shall be mayor, and T. J. Simpson, H. D. Moore, H. Stewart, N. E. Tuell and S. A. Short, councilmen of said town; that on the first Monday in May, one thousand eight hundred and seventy-five, and on the same day in each and every year thereafter, an election shall be held at some convenient place in said town for mayor and said five councilmen; that said election and all subsequent elections for the above officers shall be held by the mayor and two of the councilmen, and said officers shall serve for the term of one year after said elections, and until their successors are elected and qualified. The said mayor and councilmen shall be and are hereby constituted a body corporate by the name and style of "The corporate authorities of the town of Hartsell," and by that name they and their successors in office shall be capable of suing and being sued, pleading and being impleaded in all manner of suits either in law or in equity; also, to have and keep a common seal and change the same at pleasure; to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property to the amount of ten thousand dollars, and in general to do all the acts incident to municipal bodies corporate.

SEC. 3. *Be it further enacted,* That it shall be the duty of the mayor to preside and keep order at all meetings of the council, and in case of his absence or incapacity any of the council may be chosen to preside. The mayor shall be invested with the jurisdiction and powers of justice of the peace, and shall be subject to the same penalties and liabilities for official delinquencies.

SEC. 4. *Be it further enacted,* That the said corporation

shall have power to ordain or pass such ordinances, by-laws and regulations as may by them be deemed necessary for the good government of said town, which may extend to the preservation of health ; to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows and museums of all kinds whatever within said corporation ; to restrain and prohibit every species of disorder and every breach of the peace ; to appoint night watches and patrol when necessary ; to clean and keep in repair the streets of said town, and prohibit trespasses on the same ; to impose and collect taxes, not exceeding one-half of one per cent. on all property, both real and personal, and to sell real estate for the payment of said taxes, in the same manner prescribed by the laws of Alabama for taxes payable to the State, within said incorporation, for defraying the expenses of the same ; to grant license to retailers of spirituous or vinous liquors ; to grant license to and tax merchants and auctioneers, lawyers, physicians, dentists, daguerrean artists, keepers of hotels and stallions ; to restrain and prohibit all meetings of disorderly persons, and all profane swearing or obscene language, and in general to pass such by-laws, not contrary to the constitution of the State and the laws of the same, or to the constitution and the laws of the United States, as are necessary to carry into effect the intent and meaning of this act ; and to execute, revoke or alter the same. The said corporate authorities shall have power to appoint a treasurer, assessor, collector and marshal, and such inferior officers as they may think necessary, and by ordinance require securities for the several officers so appointed, and annex such fees to said offices as they see proper, not to exceed twenty-five dollars per month. They are hereby empowered to impose such fines and penalties as they may see proper, the fine in no case to exceed fifty dollars and the imprisonment ten hours.

Powers of corporation.

Pres'rve he'lth
Prevent nuisances.

Tax shows, &c.
Restrain disorders, &c.

Night watches and patrol.

Repair streets.

Impose taxes not exceeding $\frac{1}{2}$ of 1 per cent.

Sales for taxes

License retailers.

License & tax merch'ts, lawyers & others.

Restrain disorderly meetings and obscene language.

By-laws.

May appoint treasurer, assessor, collector, marshal, &c

May impose fines.

Marshal shall give bond.

SEC. 5. *Be it further enacted*, That the marshal appointed under this act shall give bond, with sufficient security, in such an amount as shall be determined by the corporate authorities of said town, for the faithful discharge of the duties of the office, and his said bond shall be approved by the corporate authorities, and he shall exercise the powers, discharge the duties and be subject to the liabilities of a constable of said county within said incorporation, and shall have power to call

to his aid all persons in making arrests and quelling disturbances.

Vacancy in council filled by council. SEC. 6. *Be it further enacted*, That when vacancies occur in the board of councilmen by death, resignation or otherwise, such vacancy shall be filled by election, and the member or members so elected shall continue in office until the succeeding annual election.

10 days notice of elec. given. SEC. 7. *Be it further enacted*, That ten days notice shall be given of every election under this act preceding the day of election, and that it shall be the duty of the marshal to see that said notices are posted in at least three public places in said town, and the said election shall be conducted by the mayor and councilmen, and all male persons over the age of twenty-one years residing in said town shall be qualified electors, and the persons receiving the highest number of votes for mayor and councilmen shall respectively be declared elected.

Vacancy in office of mayor fill'd by council. SEC. 8. *Be it further enacted*, That in case of a vacancy in the office of mayor the remaining members of the board shall appoint a successor.

Oath of office. SEC. 9. *Be it further enacted*, That the mayor and councilmen of said town shall, before entering on the duties of their office, take an oath faithfully to perform the duties of their office, before any officer qualified to administer an oath.

Pub. by-laws & ordinances. SEC. 10. *Be it further enacted*, That all by-laws and ordinances of said town shall be published by posting the same at three public places in said town.

Inhab. exempt fr'm road duty SEC. 11. *Be it further enacted*, That the inhabitants of said town of Hartsell, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town.

Corp. authorities must keep streets in repair.

Approved March 1, 1875.

No. 291.]

AN ACT

To incorporate the town of Rockford, in the county of Coosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Rockford, in the county of Coosa, be and the same is hereby incorporated, with the following boundaries, viz: Beginning at south-east corner post of section thirteen, of township twenty-two, and range eighteen, east; thence north, along the line of said section, to the half mile stake; thence west, along the line of said quarter section, to the half mile post on the southern line of said section thirteen; thence east, along said line to the place of beginning. Incorporated.
Corporate limits.

SEC. 2. *Be it further enacted,* That an election shall be held at the court-house in said town on the first Monday in April, 1875, and annually thereafter, the polls be opened between the hours of nine and ten o'clock A. M., and continue open without intermission or adjournment until the hour of three in the afternoon, and no longer, for the purpose of electing by ballot five councilors, citizens of said town, who shall serve for the term of one year after they shall have been elected, and until their successors are qualified. The first election shall be managed by any three qualified electors of said town, and all subsequent elections by three of the councilors, who shall be appointed by the board for that purpose; and the said councilors shall, within the first week after their election in each year, meet and elect by a majority of votes, from their own body, an intendant, whose duty it shall be to preside and keep order at all meetings of said councilors, but in his absence any other member may be called to the chair. The said intendant and council shall be and they are hereby constituted a body corporate, by the name and style of the "Intendant and Council of the Town of Rockford," and by that name they and their successors shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity, also to have and keep a common seal, and the same to break, alter or amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, per- Elections for councilors.

Term.
Election.

Intendant elected by the board.

Style of government.

May sue and be sued.
Seal.
May hold and dispose of property.

sonal or mixed property, to an amount not exceeding ten thousand dollars.

Oath of office. SEC. 3. *Be it further enacted*, That the intendant and councilors, before entering upon the duties of their offices, shall take and subscribe the following oath before the judge of probate of said county: "I do solemnly swear that I will, to the best of my knowledge and ability, execute and discharge the duties of intendant (or councilors) of the town of Rockford, without fear, favor or affection—so help me God."

Electors. SEC. 4. *Be it further enacted*, That any elector of said town who is of the age of twenty-one years or upwards, (and who shall have resided in said town of Rockford for three months next preceding said election,) shall be eligible either to the office of intendant or councilor; and should said intendant remove from the said town, or be absent therefrom for three months at any time without the consent of the councilors, his office shall be vacated; and should any councilor or councilors remove from said town, or shall be absent therefrom for three months at any one time without the consent of the intendant and the other councilors, his or their office shall be vacated; and it shall be the duty of the remaining part of the board forthwith to supply the vacancy or vacancies so occurring.

Removal vacates office. SEC. 5. *Be it further enacted*, That in the event of any vacancy occurring in the office of intendant, either by death, resignation, or otherwise, the councilors shall choose one of their own body intendant *pro tempore*, who shall continue in office as intendant until the next succeeding annual election; and further, if any vacancy should occur in the body of councilors by death, resignation, or otherwise, then, and in that case, it shall be the duty of the intendant to appoint managers to hold an election to fill such vacancy or vacancies, who shall, after giving ten days notice, proceed to open the polls for such election, and after the same, it shall be their duty to make known to the successful candidate his election.

Vacancies; how filled. SEC. 6. *Be it further enacted*, That all male citizens of the age of twenty-one years or upwards, and qualified voters, who shall have resided in the State six months and in the county for three months, and who shall have resided within the corporate limits of said town of Rockford for the space of twenty days next preceding any

Electors.

election for intendant and councilors, or either of them, shall be qualified voters at said election for such intendant and councilors, or either of them.

SEC. 7. *Be it further enacted*, That the intendant and councilors, or a majority of them, shall have power to adjourn their meetings from time to time ; *Provided*, the intendant may, at any time, call a meeting of the councilors, by written notice, designating the time and place of meeting, and on application of any two or more councilors, the intendant shall call a meeting in like manner ; they shall keep a journal of all their proceedings and record all their official acts and doings, and the yeas and nays on any question or subject shall be taken and recorded at the request of any member of the board, and all deliberations of said intendant and councilors shall be public.

May adjourn meeting.

Called meetings.

Journal of proceedings to be kept.

Yeas and nays taken and recorded.

SEC. 8. *Be it further enacted*, That the said intendant and councilors shall have authority to enact such ordinances and by-laws as they may deem necessary for the good order and government of said town of Rockford ; to prevent and remove nuisances of every description, and which may extend to the preservation of health ; to establish night watches, patrols or town guards ; to erect lamps ; to regulate the paving or flagging, guttering and railing the sidewalks ; to protect, by adequate penalties, shade and ornamental trees in said town ; to license, tax and restrain, at pleasure, theatrical amusements, shows and menageries of all kinds whatsoever, within said corporation ; to clear and keep in good repair the streets of said town ; and, in general, to pass such ordinances and by-laws not contrary to the constitution of the State, and the laws thereof, as the said intendant and council shall, from time to time, deem expedient and necessary to carry into effect the meaning and object of this act, and the same to put into execution, and to make and alter the same as shall be deemed expedient ; that said intendant and council shall appoint a clerk, a treasurer, a marshal, and such other subordinate officers as they may deem expedient and necessary, and require such security for the faithful discharge of their duties as they may deem adequate. The said intendant and council are hereby also empowered to enact a law to impose appropriate fines, penalties and forfeitures for the breach of their ordinances and by-laws, not to exceed twenty dollars for every offense, recoverable with costs in the

Powers.

Nuisances.

Health.

Town guards.

Sidewalks.

Ornamental trees.

Shows, &c.

Streets.

General authority.

Clerk.

Treasurer.

Marshal.

Other subordinate officers.

Fines and penalties.

Appeals.

name of the intendant and council of the town of Rockford, for the use of the town, before the intendant thereof, for which suit may be commenced by warrant, returnable forthwith or otherwise; *Provided*, That nothing herein contained shall be construed so as to prevent appeals to the circuit court, and in the same manner and under the same rules and regulations as appeals are taken from the justices of the peace.

Taxes.

Rate.

Manner of
levying.Intendant and
council may
reduce assess-
ment.

SEC. 9. *Be it further enacted*, That said intendant and council shall have power to levy and collect a tax upon real estate, not exceeding twenty-five cents on every hundred dollars worth when the lots are improved with a house or houses and enclosure, not exceeding forty cents on every hundred dollars worth when the lots are not improved with a house or houses and enclosures, and not exceeding forty cents on every hundred dollars worth of stock in trade, and all personal property kept within the corporate limits of the town of Rockford; *Provided*, That the tax on real and personal estate be laid in proportion to the value thereof, according to an assessment and valuation given by the owner or owners, his heirs or their agents, or by the clerk appointed by the intendant and council; and should any person think his or her property assessed too high, he or she shall have a right to complain to the intendant and council, who shall consider and reduce said assessment if, in their opinion, it has been placed too high by said assessor, and the decision shall be final.

Overseer of
streets.May excuse
from working
on streets by
pay amount in
lieu thereof.

SEC. 10. *Be it further enacted*, That the intendant and council of said town of Rockford shall appoint an overseer or overseers of the streets and roads of said town, and shall require and regulate the working on the same, not exceeding ten days in each year, and may exempt at discretion from working on the same, all persons they may think proper, living within the corporation, liable by law to work on public roads and highways, by paying an amount in lieu thereof, not exceeding ten dollars, at the discretion of the intendant and council, in any one year, for the use of said town, shall be exempt from working on the same.

Clerk to make
annual assess-
ment of taxes.

SEC. 11. *Be it further enacted*, That the clerk is hereby authorized and required to make annual assessments of the taxes, authorized by this act, and to collect the same in pursuance to this act, and the ordinances of said town; and such assessments, when corrected and ap-

proved by the intendant and council, shall have the force and effect of a judgment and execution. Effect of assessment.

SEC. 12. *Be it further enacted*, That the marshal shall have authority, without warrant, to arrest all offenders breaking the peace, or violating any ordinance or law of said town, and bring them before the intendant; to execute by levy and sale, if necessary, any process issued by the clerk for the collection of taxes, fines and forfeitures, and other dues owing to said town, and to discharge such other duties as may be made incumbent upon him by the ordinances and laws of said town. Arrests by marshal. Marshal executes process.

SEC. 13. *Be it further enacted*, That the clerk of said town is hereby authorized and empowered to issue all such executions and other process as may be necessary to enforce the collection of all taxes, fines, forfeitures and other dues, which may be due and owing to said town on any account whatever; and for performing any duty required in this section, he shall be entitled to the same fees as are allowed by law to justices of the peace. Clerk may issue necessary process. Fees.

SEC. 14. *Be it further enacted*, That the clerk, for performing the duties required in section 11 of this act, shall receive from the taxes collected a compensation not to exceed five per cent. of the amount collected. Further compensation.

SEC. 15. *Be it further enacted*, That the marshal shall be entitled to two dollars for each arrest made, in case the party is convicted, to be taxed and collected from the defendant, and he shall be entitled to such other fees for his services as may be allowed by the intendant and council, not to exceed the fees now allowed by law to sheriffs. Marshal's fees.

SEC. 16. *Be it further enacted*, That if any citizen of said town shall be called upon by the marshal to assist in making an arrest, and shall refuse or neglect to assist in making such arrest, such citizen shall be liable to a fine of not more than twenty dollars, to be determined by the intendant as other alleged violations of the laws and ordinances of said town. Penalty for refusal to aid in making arrest.

SEC. 17. *Be it further enacted*, That the officers appointed under the provisions of the eighth section of this act, shall execute, each, a bond, with at least two good and sufficient sureties, and payable to the intendant and council of the town of Rockford and their successors in office, in such sums as may be prescribed by Bonds of officers. Amount.

the intendant and council, not to exceed one thousand dollars.

This act not of force unless majority of citizens vote in favor of it.

SEC. 18. *Be it further enacted*, That at the time of the first election of officers of said incorporation, under the provisions of this act, the question of "*corporation*" or "*no corporation*," shall be submitted to a vote of the citizens entitled to vote under the provisions of this act, and unless a majority of such citizens voting on such question, shall vote for the same, this act shall not go into operation.

SEC. 19. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 20, 1875.

No. 292.]

AN ACT

To extend and enlarge the powers and duties of the Trustees of Mulberry College, at Bangor, Blount county.

Trustees.

Officers.

May fill vacancies.

May elect professors, tutors, &c.

May grant diplomas and confer degrees

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of trustees of Mulberry college, consisting of Rev. P. M. Musgrove, F. L. Hearn, W. Y. Adams, A. Burns, W. H. Musgrove, G. M. Le-grand, John Calahan, J. A. Collins and J. H. Benier, shall have power to elect from their own body a president, vice president, treasurer, secretary and such other officers as they may deem necessary to a proper organization and management of the trust confided to them, and assign to each their respective duties. They shall also have power to fill vacancies which may occur in the board by death, resignation or otherwise.

SEC. 2. *Be it further enacted*, That said board of trustees shall have power to elect professors, tutors and other officers of said college as they may think proper, and fix rates of tuition with such persons and duties severally and collectively as the board may prescribe or allow, who shall constitute the faculty of said college, who may instruct in any of the arts and sciences, grant diplomas and confer all the degrees of literary distinctions usual in similar male and female institutions of learning. The said trustees shall also have power to frame and

adopt a code of by-laws for the government of said college and for their own government, and to alter or amend the same at pleasure; *Provided*, The same be not inconsistent with the constitution and laws of the State of Alabama.

Approved January 30, 1875.

No. 293.]

AN ACT

To empower the Montgomery Female Institute, in the city of Montgomery, to issue Diplomas.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Montgomery Female Institute, of the city of Montgomery, be and the same is hereby authorized and empowered to grant to its pupils diplomas and certificates of proficiencies as rewards or evidences of merit and skill, having the same efficiency as those granted by colleges and other institutions of learning.

Approved January 29, 1875.

No. 294.]

AN ACT

Declaring the Chickasaw, Birmingham and Tuscaloosa Railroad Company a lawful corporate body, authorizing said company to mine and manufacture, and also fix rates of passenger transportation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Chickasaw, Birmingham and Tuscaloosa railroad company, a corporation duly organized under the laws of Alabama, hereby declared to be a lawful corporate body in said State, be and the same is hereby authorized to mine and manufacture all minerals, stone, petroleum, and wood or any other production or growth of the State of Alabama without the necessity of any separate corporate organization for such purposes, and transport the same to market.

SEC. 2. *Be it further enacted*, That said company shall be entitled to charge for the transportation of passengers over its railroad any sum not exceeding five cents

Declared a body corp'rate.

Additional powers granted.

May charge for carrying passengers. Rate.

per mile for each passenger for the distance traveled when the distance is thirty miles or more, and for less distances as now regulated by law.

Approved March 6, 1875.

No. 295.]

AN ACT

To incorporate the Truck and Axe Company, in the city of Troy, in Pike county, as a fire company for municipal purposes.

Corporation. **Powers.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the members, their associates and successors of the Truck and Axe company, of the city of Troy, in Pike county, be and they are hereby declared and constituted a body corporate, by the name and style of the Truck and Axe company, and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered in any court of law or equity, may have, hold, possess and enjoy goods and chattels, lands and tenements of the value of five thousand dollars, and may sell or transfer the same at pleasure.

Members exempt from jury, militia and road duty. **Seal.** **By-laws.** SEC. 2. *Be it further enacted,* That the members of said company and body corporate be and they are hereby exempt from jury, militia and road duty; may have a company seal, and the same alter or remove at pleasure; and may make such by-laws, rules and regulations for the proper organization and good government of the of the company not inconsistent with the constitution of the United States and the State of Alabama, as they may deem proper, and may alter and change the same at pleasure.

Approved February 10, 1875.

No. 296.]

AN ACT

To amend an act entitled "An act to incorporate the city of Birmingham, in Jefferson county," and an act amendatory thereof, approved March 15, 1873, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three of an act to incorporate the city of Birmingham, which reads as follows: Sec. 3 of act of Dec. 19, 1871, recited.

"Sec. 3. Be it further enacted, That on the first Monday in January, eighteen hundred and seventy-three, and on the first Monday in January of every second succeeding year thereafter, there shall be an election held at some public place in said city for a mayor and eight aldermen for said city, who shall hold their offices until their successors are elected and qualified, and at said election all the resident voters within the limits of said corporation shall be entitled to vote at such election who have resided in said city thirty days previous," approved December 19, 1871,—be amended so as to read as follows :

That on the first Monday in January, 1875, and on the first Monday in December, 1876, and every second succeeding year thereafter, there shall be an election held at some public place in said city for a mayor and eight aldermen for said city, who shall hold their offices until their successors are elected and qualified. Any person who is a qualified elector under the laws of the State, who has *bona fide* resided in said city for three months preceding the election, shall be eligible to the office of mayor, and at said election, any person who has resided in said city three months preceding the election, and is registered as hereinafter required, and is otherwise a qualified voter under the general election laws of the State, shall be entitled to vote for mayor and aldermen. The said aldermen shall be selected so that each of the wards shall be entitled to two representatives, the boundaries of the wards as now laid off by the board of mayor and aldermen to govern; and the two persons from each of said wards respectively receiving the highest number of votes shall be declared the duly elected aldermen of said city; and if at any time an alderman should die, or resign or remove from the ward, it shall be the duty of the board to select his suc- Amendment.

cessor from the ward he represents. It shall be the duty of the board of mayor and aldermen to cause a registration to be made immediately after the passage of this act of all the qualified voters in said city, said registration to be made by the clerk of the corporation, who shall record the name of the voter and number of ward, and he shall keep his office open from 8 o'clock A. M. until 5 o'clock P. M. of each day in the week, Sundays excepted, for the purpose of registering the voters, five days before the election, and no person shall be counted who has not registered before the said clerk. It shall be the duty of said clerk to give public notice, notifying all voters in said city to come forward and register if they wish to vote at the municipal election; and said clerk shall furnish the inspectors of election with a list of registered voters, and also the original registration book, and they shall compare the poll list with the registered list and the registration book, and if they find that any person has voted without registering such vote shall be thrown out and not counted. The board shall also appoint two challengers to attend the said election, and the said challengers shall perform the duties imposed upon challengers by the general election laws of the State, and they shall have the authority to administer the oath to the voter, making the necessary change to suit the case of voter for municipal officers as provided for by this act, and any person voting illegally shall be liable to the same penalties as are provided in said election law.

SEC. 2. *Be it further enacted*, That section one of "An act to amend the sixth section of the act to incorporate the city of Birmingham," approved March 15, 1873, which reads as follows :

Sec. 1 of act of
March 15, 1873,
recited.

"Section 1. Be it enacted by the General Assembly of Alabama, That section six of said act, which reads as follows, to-wit :

"That the said board shall have full and complete power to make all by-laws and ordinances of whatever kind and upon whatever subject to them may seem right and proper for the good government of said city; to levy and collect taxes to defray the expenses of the corporation, not to exceed one-half ($\frac{1}{2}$) of one per cent. upon the assessed value of the property hereafter in each and every year by the State assessors; to affix such fines, not exceeding twenty dollars, and imprison-

ment in the county jail, upon the payment of the fees of the jailor of said county for feeding such prisoner or prisoners, at the price prescribed by law for feeding State prisoners, not exceeding ten (10) days for any one transgression, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said corporation not repugnant to the laws of this State,"—be amended so as to read as follows :

That said board shall have full, complete and exclusive power to pass by-laws and ordinances, to declare, prevent and remove nuisances at the expense of the persons causing the same, or on whose premises it may be found ; license, tax, regulate and restrain theatrical and other amusements, and the retailing of spirituous, vinous and malt liquors in said city ; to restrain and prohibit gaming, houses of ill fame, disorderly conduct and breaches of the peace, riots, all unlawful assemblies and public indecencies ; to establish and appoint night and day watchmen and patrols and captains thereof ; to divide the city into wards and regulate the same ; to regulate and establish markets and city prisons ; to sink, build and repair public wells and cisterns, and to establish and control fire plugs and public hydrants, and to make all needful provisions for supplying the city with water and with gas, and to establish and control street lamps and gas lights ; to establish streets, avenues and alleys, and sidewalks and pavements, and curbing thereto ; to regulate and keep the same in repair, and to establish the grades of the same ; to establish and build drains, sewers, aqueducts and reservoirs, and to regulate and control the same ; to establish and lay out public parks, and to regulate and control the same ; to license and regulate wagons, carts, drays, hacks and omnibusses and carriages running in the city for hire ; to license all traders, dealers, peddlers, hawkers and vendors, and all business professions and employments conducted and carried on in said city, and regulate the same as said mayor and aldermen shall see fit and proper ; to license auctioneers and regulate auctions ; to prevent contagious and infectious diseases from being introduced into the city and preserve the health thereof ; to establish, set up and build hospitals, poor-houses and work-houses, or houses of correction, and regulate the same ; to purchase land for and lay out a city cemetery, and to sell burial lots in the same, prescribe and enforce

Amendment of
March 15, 1873

regulations for the proper keeping of the same ; to issue city bonds, coupons to run not exceeding twenty years, for the purpose of improving the streets, avenues, alleys and parks of the city, and for the building of a city hall, jail, calaboose, market house and such other public buildings and improvements in the city, not to exceed fifty thousand dollars, as said mayor and aldermen shall deem necessary and proper ; to construct street and avenue railroads, or to contract with such persons and upon such terms as said mayor and aldermen shall deem fit and proper for the construction of such street and avenue railroads ; to establish and regulate fire limits within said city, to make such provisions for protection against fire as to them may seem fit and proper ; to impose fines, not exceeding fifty (\$50) dollars, for any breach of their by-laws or ordinances, and enforce the collection of the same by execution against the property of offenders, and in cases of breaches of the peace, disorderly conduct or the violation of any ordinance, criminal in its nature or made so by ordinance, to imprison such offenders for not exceeding thirty days, or place them at hard labor for the city not exceeding thirty days ; to assess, levy and collect taxes on all property in the city for each year, not exceeding one per cent. on the true value thereof, in such mode and manner as said mayor and aldermen shall direct, but such assessment of real estate shall be made in each year by three resident freeholders of the city, to be appointed by said board, and each real estate tax payer shall have the right to appeal from such assessment to the board, whose decision shall be final, and all assessments, when finally made, shall be a lien on all property as assessed for the city taxes ; to establish weights and measures, public scales and weighers, and regulate and control the same ; to prevent and punish violations of the Sabbath ; to regulate and control the running of railroad trains at street crossings in the city, and the blowing of steam whistles on engines. In addition to the above stated and enumerated powers the said mayor and aldermen shall have power to pass all such other ordinances and by-laws of whatever kind and upon whatever subject they shall deem fit and proper for the good government of the city not inconsistent with the constitution of the United States and the State of Alabama, and the laws made in pursuance thereof, and this act and the by-laws and ordinances

passed in pursuance thereof shall be construed liberally. And all officers made or elected by said mayor and aldermen shall be under their control and direction, and shall be subject to be removed by said board, or changed whenever said board shall see fit and proper to do so; and said offices shall be deemed to be taken and held by such officer or officers subject to such right of removal or change; *Provided*, The mayor shall have the power to remove any policemen, watchman or patrol for such cause as he may see fit and proper; *Provided*, That all license tax from any of the professions shall be at a uniform rate, and but one license shall be required of any firm or partnership in any one business or profession, which license shall be taken out in the firm or copartnership name, and not in the individual name of the persons composing such firm or copartnership," approved March 15, 1873,—be amended as follows: By adding, Amendment. after the words, "shall be a lien on all property as assessed for the city taxes," on lines four and five of page 285 (Printed Acts 1872 and 1873), the following: And shall have the force and effect of a judgment at law on all property as assessed for the city taxes; and the said mayor and aldermen shall have the same power and authority to enforce the collection of city taxes as the State has under the revenue laws of the State, and may pass such by-laws and ordinances as they may deem fit to carry this power into execution, and this power shall be held to apply to taxes assessed, for all unpaid taxes and still unpaid.

SEC. 3. *Be it further enacted*, That any person convicted of a violation of a city ordinance may have the right of appeal to the circuit court of Jefferson county, upon giving bond, with two good securities, in double the amount of the fine and costs, to be approved by the mayor or acting mayor, payable to the mayor and aldermen of Birmingham, and conditioned as other appeal bonds, and thereupon it shall be the duty of the clerk of the city to send up all papers in the cause to the clerk of the circuit court, as in cases of appeals from justices' courts, and said cause shall be tried *de novo*.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city be and they are hereby authorized Amendment. and required to establish a sinking fund to provide for the payment of interest on the bonds of the city and the redemption of the same, and they shall appropriate to

said fund not exceeding twenty-five per cent. of the funds received on account of licenses and taxation on all property within the city, and they shall require of every person paying city license or taxes to pay at least twenty-five per cent thereof in currency, to be applied as aforesaid, or so much thereof as may be required.

Amendment.

SEC. 5. *Be it further enacted*, That the mayor and aldermen of said city shall have power to collect all the taxes of said city and all fines imposed by them for violation of city laws by execution, levy and sale; and from the operation of such execution no property of any citizen of said city shall be exempt; *Provided*, That whenever real estate in said city is so levied on, the same shall be sold after giving thirty days notice of the time and place of sale in some newspaper published in said city, or according to the laws of the State of Alabama; and the mayor, in behalf of the city, shall make an absolute deed to the purchaser at such sales; but the owner may redeem said property at any time within two years from the day of sale by paying to the purchaser the amount he paid for said property, with ten per cent. damages and the interest thereon, and also paying to the city whatever city taxes the said redeemer may owe at the time of such redemption.

SEC. 6. *Be it further enacted*, That all laws in conflict with this enactment be and the same are hereby repealed.

Approved December 17, 1874.

No. 297.]

AN ACT

To amend section one of "An act to incorporate the town of Courtland, in the county of Lawrence," approved December 16, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of "An act to incorporate the town of Courtland, in the county of Lawrence," approved December 16, 1873, which reads as follows, to-wit: "Section 1. *Be it enacted by the General Assembly of Alabama*, That the town of Courtland, in the county of Lawrence, be and the same is hereby incorporated, and the corporate limits of said town shall be three-

Section recited

fourths of a mile from the centre of the public square of said town,"—be amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Courtland, in the county of Lawrence, be and the same is hereby incorporated, and the corporate limits of said town shall be all east of Big Nance creek, of section 30, township 4, range 7, lying in the county of Lawrence, State of Alabama. Amendment.

SEC. 2. *Be it further enacted*, That said section one, as it now stands in the act aforesaid, be and the same is hereby repealed.

Approved February 17, 1875.

No. 298.]

AN ACT

To amend section nine of an act entitled "An act to incorporate the town of Dayton, Marengo county."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section nine of an act entitled "An act to incorporate the town of Dayton, Marengo county," which reads as follows, viz: "Sec. 9. Be it further enacted, That in addition to the powers herein granted, the mayor and council shall have further power to pass all laws and ordinances necessary for the peace and health and good government of the inhabitants of the town of Dayton,"—be and the same is hereby amended so as to read as follows, to-wit: Sec. 9. Be it further enacted, That in addition to the powers herein granted, the mayor and council shall have further power to pass all laws and ordinances necessary for the suppression of vagrancy, and for the peace, good order and health of the inhabitants of said town, not inconsistent or repugnant to the constitution and laws of the State. Section recited
Amendment.

Approved February 20, 1875.

No. 299.]

AN ACT

To amend the charter of the town of Decatur, in Morgan county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4 of an act entitled "An act to establish a new charter for the town of Decatur," which reads as follows, to-wit: "Sec. 4. Be it further enacted, That the mayor of said town, the councilmen, a marshal, and town clerk shall be elected by ballot by the inhabitants, legal voters of said town, resident within the limits thereof as described in this act,"—be and the same is hereby amended so as to read as follows, to-wit: Sec. 4. Be it further enacted, That the mayor and five councilmen for said town shall be elected by ballot by the inhabitants, legal voters of said town, resident within the limits thereof as described in this act.

SEC. 2. *Be it further enacted,* That section fifteen of said act, which reads as follows, to-wit: "Sec. 15. Be it further enacted, That the said mayor and councilmen shall have full power and authority to pass all by-laws and ordinances, to regulate the stationing, anchorage and moorings of vessels within their jurisdiction; to prevent and remove nuisances, and to prevent the introduction of contagious diseases within the said town by regulating the landing of vessels having sick on board, and the landing of the sick or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatever; to establish police, and to erect lamps; to provide for licensing and regulating retailers of liquors within the limits of said corporation, and to fix the sum to be paid for the same, and for annulling the same on good and sufficient complaint being made against any person holding said license; to provide for the regulating hackney coaches, carriages, wagons, carts or drays, and licensing the same; to provide for the regulating of pawnbrokers within the said town; to restrain or prohibit gambling; to provide for and regulate theatrical and other public amusements within the said corporation; to establish and regulate markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish, or game, except at the public market or markets during the hours when such markets shall be reg-

ularly opened ; to erect and repair bridges ; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same ; to establish and keep open all sidewalks ; to provide for the licensing of chimney-sweepers, and regulating the sweeping of chimneys, and fixing the rate thereof ; to establish and regulate fire wards and fire companies ; to sink wells, and erect and repair pumps in the streets ; to impose and appropriate fines, penalties and forfeitures for the breach of their ordinances or by-laws ; to enact by-laws for the prevention and extinguishment of fires, and if necessary to remove or pull down buildings or fences for the prevention of the spreading of the same ; to erect or establish hospitals or pest-houses, work-houses, houses of correction, or other buildings for the use of the town, or to join with the county of Morgan in the erection of the same, and to levy and collect taxes as prescribed by this act, for the defraying the expenses thereof, and for all other necessary purposes ; to regulate partition fences and other fences, and to determine by whom the same shall be made and kept in repair ; to restrain and prohibit the nightly or disorderly assemblages of all persons, and to punish for such offenses by affixing penalties, not exceeding fifty dollars for any one offense, and in the case of the inability of any such person to pay and satisfy said fines or penalties, and the cost thereof, to sentence such person to labor in work-house or prison for such reasonable time, not exceeding six calendar months for any offense,, as may be considered equivalent to such fine or penalty and costs, which said labor shall be such as shall be designated by the said mayor and councilmen ; *Provided*, That the person so fined shall have the right to give a stay bond, with approved security, to pay said fine or penalty and costs within thirty days ; and if he fail to pay the same within that time, then execution may issue against the obligators on said bonds ; to cause all vagrants, idle, disorderly, or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the town as paupers, or are found begging or drunk about the streets, or loitering about tippling-houses, or can show no reasonable employment or business in the town, or who has no fixed place of residence, or can not give a good account of themselves ;

Amendment.

all who are grossly indecent in language or behavior, publicly in the streets, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support, and in case of their inability or refusal to give such security for their good behavior, to cause them to be confined to labor for a limited time, not exceeding six calendar months, unless such security shall be sooner given, which said labor shall be in the work-house; and if such persons shall be found afterward offending, such security may again be required, and for want thereof the like proceedings may again be had from time to time, as often as may be necessary; to take care of, remove, preserve, designate, and regulate all burying grounds within the corporation; to regulate all weights and measures, and to pass all such resolutions, by-laws or ordinances as they or a majority of them may deem requisite and necessary for the good government of the said town, not contrary to the laws of the State of Alabama,"—be and the same is hereby amended so as to read as follows, to-wit: Sec. 15. Be it further enacted, That the said mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the town, and provide places for the reception of the sick; to erect a hospital, house of correction, calaboose, or jail, city hall, and any other buildings or work necessary or expedient for the use of the town, or join with the county of Morgan in any such erections, by contract made by the proper authorities of the county, or to acquire by lease, purchase, or other contract, or in any other way, the use of houses or buildings for any purposes necessary or convenient for said town; to erect lamps; to establish night-watches and patrols; to license and regulate retailing of liquors within the corporate limits; to provide for annulling and revoking such licenses on good cause being shown; to close retail establishments for such time as they deem necessary; to prevent the retailing of spirituous liquors within the corporate limits wherever they deem it expedient; to erect and repair bridges; to construct drains and sewers and keep them in repair; to establish fire wards and fire companies, and provide for the prevention and extinguishment of fire; to regulate partition fences, and to

determine by whom they shall be kept in repair ; to prohibit and disperse all unlawful and disorderly assemblies ; to license and regulate hawkers and peddlers, and for good cause shown to annul their license ; to license, restrain, and regulate theatrical and other exhibitions or shows for money, of whatever character, kind or name ; and also lectures and concerts for pay, except lectures and concerts for charitable purposes ; to license and regulate hackney coaches, hacks, carriages, wagons, carts, and drays running for hire within the corporate limits ; to license and regulate pawn-brokers, auctioneers, commission merchants, dry goods and grocery merchants, and keepers of hotels, eating houses, livery and sale stables, barber shops, beer shops, billiard rooms, ten-pin alleys, and stores or shops for the sale of any goods, provisions, drugs, or any other commodity or article whatever ; to fix the price of all taxes on all licenses granted by the corporation, and to enforce the collection of the same ; to restrain and prohibit gambling and gaming houses, and houses of ill fame ; to establish and regulate markets, to rent out stalls in the same, and prohibit the sale of meat, poultry, fish, or game, except at the public market or markets ; to preserve, manage and regulate all burying grounds or cemeteries belonging to the corporation, and to remove them, and to establish, regulate, and manage new ones ; to sink and keep in repair public wells or cisterns ; to erect and repair hydrants or pumps ; to prevent and punish violations of the Sabbath ; to prevent stock of any kind from running at large in the public streets or alleys of the town ; to require the fencing or enclosing of any vacant lot in said town ; to cause to be taken, from time to time, a census of said town ; and keep in repair the streets, alleys and avenues of said town, to discontinue and close them when expedient, to widen or change their direction, and to open new ones ; to regulate weights and measures ; to erect public scale houses, and appoint weighers and measurers ; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the town, and to provide for payment for the same ; to construct, erect and manage water works and gas works for the purpose of furnishing water or lights for said town ; to provide for measuring gas and to appoint an inspector of the gas metres ; to grade or otherwise improve any street or

alley, or part thereof; to provide the means therefor (if deemed expedient and proper), by assessment on the owners of property to be benefitted thereby, or by assessment on the property to be thus benefitted, and to collect and enforce such assessments as other taxes; to prevent and prohibit the erection of wooden buildings within such limits as they may deem expedient; to provide for the removal of such buildings already erected within such limits at the expense of the town, and on making just compensation to the owner; to establish a jail or guard-house for the imprisonment of offenders against the laws of the corporation; to enact ordinances giving to the lessor or rentor of any dwelling-house, store-house, shop, or any other building or real estate whatever within said town, a lien upon all or any part of the property of whatever kind or character contained thereon, and belonging to lessee or person renting, to secure and pay the rent, and to prevent the removal of the same until the rent is paid, and to give to the mayor jurisdiction to enforce said laws by attachment or other summary proceedings, reserving the right of appeal from his judgment to the circuit court, as in the case of other judgments rendered by him; to establish and regulate a free public school or schools for the tuition of children residing in the corporation, and to employ teachers for the same at suitable salaries, subject to the school laws of the State; to prohibit riots, routs, affrays, assaults and batteries, and all other breaches of the peace and misdemeanors; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets or other work of the town, of any breach of the laws or ordinances of the corporation; but no fine shall exceed fifty dollars, and no imprisonment, or work on the streets or other works of the town, shall exceed thirty days; and to provide, in cases where fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under the direction; *Provided*, The time for such work shall not exceed thirty days; and to pass all such laws and by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for the good government of the town, not contrary to the constitution and laws of the State, or to restrictions in this act expressed. That the mayor and councilmen shall have authority to

cause all vagabonds, idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support, or are likely to become a public charge as paupers or are found begging or drunk in or about the streets, or who can show no reasonable course of business or employment in the town, or who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior, publicly or in the streets, and all prostitutes or such as lead notoriously a lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time, not exceeding ten days in any one month, unless such security shall be sooner given, which said labor shall be such as may be designated by the mayor and councilmen, for the benefit of the town, and if such persons shall be found afterwards so offending, such security may be again required, and in want thereof the like proceedings may be had from time to time, as often as may be necessary, in each and every month; that whenever it is deemed expedient to widen or extend a street, lane or alley, the mayor shall summon twelve freeholders, inhabitants of the town, not directly interested in the lands or lots through which such street, lane or alley is to be extended, widened or opened, who, being first sworn by the mayor, to assess and value what damages would be sustained by the owners of such lots or lands by the reason of the opening, widening or extending such street, lane or alley as proposed, taking into consideration the benefits to said lots or lands resulting therefrom, shall assess such damages, which assessment may be made by a vote of the majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders and delivered to the city clerk, who must record the same, and before such street, lane or alley shall be opened, widened or extended, the damages so assessed to the parties entitled thereto, notice of the time and place of such assessment shall be given for such time and in such manner as the board may by ordinance provide; *Provided*, however, That when the widening, extending, improvement or opening of a street, lane or alley will be of ben-

efit to the owners of lots or lands on or through which or adjacent to which the same is widened, extended, improved or opened, the mayor and councilmen may provide the means therefor by assessment on the owners of such lots or lands to be benefitted thereby, or by assessment on the lots or lands to be thus benefitted, and may enforce and collect such assessment as other taxes, and for the purpose of carrying out the provisions of this section, the board may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient, and either party may appeal from any assessment made under the provisions of this section to the circuit court of Morgan county, within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor, but in case the appeal is taken by the corporation the appeal bond must be approved by the clerk of the circuit court.

Act recited.

SEC. 3. *Be it further enacted*, That section eighteen of an act, entitled an act to establish a new charter for the town of Decatur, which reads as follows, to-wit: "Section 18. Be it further enacted, That the mayor and councilmen shall have full authority to create all such officers and agents as may be necessary to carry into effect the powers conferred upon the corporation, all that may be deemed necessary and proper for the good government of the town, and for the preservation of peace therein, and to prescribe the duties of all such officers or agents to regulate and control them in the discharge of their respective duties, to fix compensation for all officers or agents and employees, and provide for their payment as the said mayor and councilmen may deem best, and at any and all times to remove or discharge any or all of said officers, agents or employees, or to repeal, alter or amend the ordinances or regulations creating or employing officers or agents, or regulating or controlling their duties or compensation, and to require such bond or security as they may deem proper," be and the same is hereby amended so as to read as follows, to-wit: Section 18. Be it further enacted, That the mayor and councilmen shall have full authority and power to appoint a city marshal, clerk, treasurer, collector of taxes, assessor, and such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may

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be deemed proper for the government of the town; to prescribe their duties, liabilities and powers; to require of them bonds in such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of said officers or agents, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation or salaries of all the officers of the corporation, including that of the mayor, but the board may at any time repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in said offices. The clerk, assessor, collector, treasurer and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the board, payable to the mayor and councilmen, in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the mayor and councilmen, for the use of the corporation or the person injured, and said bond shall remain for the breaches of its condition. And the mayor and councilmen may provide summary remedies by motion or otherwise before the mayor against the officers of the corporation and their sureties for any official default or neglect.

Approved February 25, 1875.

No. 300.]

AN ACT

To amend section nine (9) of an act to incorporate the town of Evergreen, Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section nine (9) of an act to incorporate the town of Evergreen, Conecuh county, approved March 28, 1873, which reads as follows: "That in addition to the powers herein granted, the mayor and council shall have power to pass all laws and ordinances necessary

Sec. 9 of act
of March 28,
1873, recited.

Amendment.

for the peace and health and good government of the inhabitants of the town of Evergreen," be amended so as to read as follows, to-wit: That in addition to the powers herein granted, the mayor and council shall have power to pass all laws and ordinances necessary for the peace, health and good government of the inhabitants of said town, and to pass all laws and ordinances necessary for the suppression of vagrancy, not inconsistent with, or repugnant to, the constitution and laws of the State. And the mayor shall have the same jurisdiction as justices of the peace in the trial of all larcenies committed within the corporate limits of said town.

Approved February 25, 1875.

No. 301.]

AN ACT

To define the lines of the corporate limits of the town of Gadsden, in Etowah county.

Corporate limits defined.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the boundary lines of the corporate limits of the town of Gadsden, in Etowah county, in this State, shall be as follows, to-wit: Commencing on the west bank of the Coosa river at Ewing's ferry, running with the road leading to the fork of said road at the "double spring," thence west with the right hand fork of said road to where the section line between sections four and five in the township in which said town is located, crosses said road; thence south with said line to the corner of sections four, five, eight and nine; thence east one-half mile; thence south one-fourth of a mile; thence east with the land line to the east bank of the Coosa river to the said Ewing's ferry; thence across said river to the beginning on the west bank of said river.

SEC. 2. *Be it further enacted,* That all laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved March 11, 1875.

No. 302.]

AN ACT

To amend sections 1, 2 and 11 of an act entitled an act to incorporate the town of Gilmer, in Lawrence county, approved February 24, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections one, two and eleven of an act entitled an act to incorporate the town of Hillsboro, in Lawrence county, approved February 24, 1872, which sections are in the following words: "Section 1. Be it enacted by the General Assembly of Alabama, That the town of Hillsboro, in the county of Lawrence, be and the same is hereby incorporated, and the corporate limits of said town shall extend one-half mile in every direction from the railroad depot at said town of Hillsboro. Sec. 1 of act of February 24th, 1872, recited.

Sec. 2. Be it further enacted, That there shall be a mayor and five councilmen of said town; that until the first election as hereinafter provided, A. W. Bailey shall be mayor, and W. Gilmer, Dr. J. H. Paton, Alex. Neely, Holmes Johnson and James H. Grant councilmen of said town; that on the first Monday in January, one thousand eight hundred and seventy-three, and on the same day each and every year thereafter, an election shall be held at some convenient place in said town for mayor and said five councilmen; that said election and all subsequent elections for the above officers shall be held by the mayor and two of the councilmen, and said officers shall serve for the term of one year after said election, and until their successors are elected and qualified. The said mayor and councilmen shall be and are hereby constituted a body corporate by the name and style of 'the corporate authorities of the town of Hillsboro,' and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits, either in law or equity; also, to have and keep a common seal, and change the same at pleasure; to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property, to the amount of ten thousand dollars, and in general to do all the acts incident to bodies corporate. Sec. 11. Be it further enacted, That the inhabitants of said town of Hillsboro, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of

Sec. 2 recited.

Sec. 11 recited.

Section 1 as
amended.

Section 2 as
amended.

the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town," be so amended as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Hillsboro, in the county of Lawrence, be and the same is hereby incorporated, and the corporate limits of said town shall extend one-half mile in every direction from the railroad depot in said town of Hillsboro. Sec. 2. Be it further enacted, That there shall be a mayor and five councilmen of said town; that until the first election as hereinafter provided, A. W. Bailey shall be mayor, and William Gilmer, Dr. J. H. Paton, Alex. Neely, Holmes Johnson and James H. Grant councilmen of said town; that on the first Monday in January, one thousand eight hundred and seventy-three, and on the same day each and every year thereafter, an election shall be held at some convenient place in said town, for mayor and five councilmen, and said officers shall serve for the term of one year after said election and until their successors are elected and qualified. The said mayor and councilmen shall be and are hereby constituted as a body corporate by the name and style of the corporate authorities of the town of Hillsboro, and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits in law or equity; also, to have and keep a common seal and change the same at pleasure; to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property, to the amount of ten thousand dollars, and in general to do all the acts incident to bodies corporate. Sec. 11. Be it further enacted, That the inhabitants of said town of Hillsboro, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town.

Section 11 as
amended.

SEC. 2. *Be it further enacted*, That sections one, two and eleven, as they now read in said act of 24th of February, 1872, be and they are hereby repealed.

Approved March 20, 1875.

No. 303.] AN ACT

To repeal an act to amend sections two and four of the charter of the city of Greenville, approved March 15, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to amend sections two and four of the charter of the city of Greenville, approved March 15, 1873, be and the same is hereby repealed. Repeal.

Approved January 26, 1875.

No. 304.] AN ACT

To amend an act entitled an act to incorporate the town of Leighton, in the counties of Lawrence and Colbert.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the 6th section of the act to incorporate the town of Leighton, in the counties of Lawrence and Colbert, which reads as follows: "Sec. 6. Be it further enacted, That the intendant and councilmen shall have the power to remove from office the clerk, treasurer or constable, upon satisfactory reasons, and appoint others, and to fill all vacancies in the board, either intendant or councilmen, which hold until the next general election, and also to fix the salaries of such officers as in their judgment they may deem sufficient," be amended so as to read as follows: Sec. 6. Be it further enacted, That the intendant shall, ex-officio, be a justice of the peace for the counties of Lawrence and Colbert, and have all the powers and jurisdiction in each of said counties that justices have in their respective counties by the laws of this State; that the constable elected under the provisions of this act shall have full power and authority to execute all process issued by said intendant, at any place within either of said counties; that the intendant and councilmen shall have the power to remove from office the clerk, treasurer or constable, upon satisfactory reasons, and appoint others, and to fill all vacancies in the board, either intendant or councilmen, who hold until the next Sec. 6 of act recited.

Amendment.

general election, and also to fix the salaries of such officers as in their judgment they may deem sufficient.

Approved February 23, 1875.

No. 305.]

AN ACT

To amend section two of "An act to establish a new charter for the town of Marion, in the county of Perry," approved February 16, 1870.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two of an act entitled "An act to establish a new charter for the town of Marion, in the county of Perry," approved February 16, 1870, which said section reads as follows: "That the corporate limits of the town of Marion shall embrace an area of land two miles square, whose centre shall be the court-house on the public square in said town, and whose four boundary lines, each of which shall be two miles in length, shall run parallel with a corresponding boundary line of the present public square of said town, and be equidistant, east, west, north, and south, from the court-house,"

Amendment.

be so amended as to read as follows: That the corporate limits of the town of Marion shall embrace all that area of land lying and being within fifteen hundred yards of the centre of the court-house in said town.

Approved February 26, 1875.

No. 306.]

AN ACT

To amend an act entitled "An act to incorporate the town of North Port, in Tuscaloosa county," approved February 7, 1871.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section four of "An act to incorporate the town of North Port, in the county of Tuscaloosa," which reads as follows: "Sec. 4. Be it further enacted, That the intendant and council hereby incorporated shall have power to keep open and in good repair the streets

and alleys of said town ; to preserve peace and good order ; to fine in all cases of assault and batteries, affrays, and other breaches of the peace ; such fine not to exceed fifty (\$50) dollars, and the same to collect by such process as may be provided by the by-laws and ordinances of said incorporation ; to suppress gaming of every description ; to establish night watches ; to tax all shows and public exhibitions ; to restrain or regulate the sale of spirituous liquors in said town, and to exercise all powers necessary for the good government of said town, not inconsistent with the laws and constitution of this State ; and may have compulsory process for the purpose of enforcing any and all ordinances, by-laws, and other regulations adopted by the intendant and council of said town ; and may punish any and all offenders by imprisonment, not to exceed twenty-four (24) hours"—be and the same is hereby amended so as to

Amendment.

read as follows: Sec. 4. Be it further enacted, That the intendant and council hereby incorporated shall have power to keep open and in good repair the streets and alleys of said town ; to preserve peace and good order ; to fine in all cases of assault and batteries, affrays, and other breaches of the peace, such fine not to exceed fifty (\$50) dollars, and the same to collect by such process as may be provided by the by-laws and ordinances of said incorporation ; to suppress gaming of every description ; to establish night watches ; to tax all shows and public exhibitions ; to restrain or regulate the sale of spirituous liquors in said town, and to exercise all powers necessary for the good government of said town, not inconsistent with the laws and constitution of this State ; and may have compulsory process for the purpose of enforcing any and all ordinances, by-laws, and other regulations adopted by the intendant and council of said town ; and may punish any and all offenders by imprisonment, not to exceed twenty-four (24) hours, or by requiring work on the streets or alleys for a time not to exceed five (5) days.

Approved December 17, 1874.

No. 307.]

AN ACT

To amend sections seven and ten of an act entitled "An act to incorporate the town of Ozark, in the county of Dale."

Section seven
recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section seven of said act, which is as follows: "Sec. 7. Be it further enacted, That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, take votes, &c., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict, and punish the persons committing the same; such punishment not to exceed beyond ten days imprisonment in the calaboose of said town and the payments of the costs in the case, and a fine not to exceed forty dollars, one or both, at the discretion of said mayor; but in any event, upon conviction, the defendant shall pay all costs; *Provided*, That the same authority to commute fines, not secured as may be required, is hereby conferred upon such mayor, as is exercised by circuit judges in this State; *And provided further*, That the mayor's fees in every case shall be the same as those of a justice of the peace, to be taxed as costs and collected from the defendant upon conviction,"

Section seven
as amended.

be and the same is hereby amended to read as follows: Sec. 7. Be it further enacted, That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, take votes, &c., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town; to try and convict overseers of roads and streets in said town who shall fail to discharge their duties as such, under such laws and ordinances as may be enacted by the council of said town; to try, convict, and punish all persons violating any of the laws and ordinances of said town; such punishment not to exceed beyond ten days imprisonment in the calaboose of said town and the payment of the costs in the case, and a fine, not to exceed forty dollars, one or both, at the discretion of said mayor; but in any event, upon conviction, the defendant shall pay the costs; *Provided*, That the same authority to commute fines, not secured as may be required, is hereby conferred upon such mayor

as is exercised by circuit judges in this State; *And provided further*, That from any judgment of conviction rendered by said mayor, the party convicted shall have the right of appeal to the circuit court of said county, under such laws and regulations as are prescribed for justices courts in criminal cases; *And provided further*, That the mayor's fees in every case shall be the same as those of a justice of the peace, to be taxed as costs and collected from the defendant upon conviction.

SEC. 2. *Be it further enacted*, That section ten of said act, which is in the words following, to-wit: "Sec. 10. Section ten recited. Be it further enacted, That said incorporation shall have power and authority to ordain and pass all such ordinances, by-laws and resolutions, and make all such regulations as may be deemed necessary for the good government of said town, which ordinances, by-laws, resolutions and regulations may extend to the preservation of health; to prevent and remove nuisances; to tax, license, and restrain theatrical amusements, shows, museums of all kinds whatsoever, within said incorporation; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, houses of ill fame, and disorderly conduct; to tax, license, regulate and restrain the sale of vinous or spirituous liquors, whether by retail or wholesale, within the corporation; to license and tax ten-pin alleys and billiard tables; to regulate and establish markets, town prisons, sink and repair public wells, and make all needful provisions for furnishing the town with water; to keep in repair all necessary streets, alleys and drains, and to adopt regulations necessary for the same; to levy and collect taxes on all property in said town for the purpose of defraying the expenses of the same, which tax shall not extend beyond one-fifth of one per cent. on the valuation thereof; to tax and license all auctioneers, whether resident or transient, and in general to pass all such ordinances and by-laws, not inconsistent with the constitution and laws of this State, as may be necessary for the good government of said town,"—be and the same is hereby amended so as to read as follows: Section ten as amended. Sec. 10. Be it further enacted, That said incorporation shall have power and authority to ordain and pass all such regulations as may be deemed necessary for the good government of said town, which ordinances, by-laws, resolutions and regulations may extend to the preserva-

tion of health ; to prevent and remove nuisances ; to tax, license and restrain theatrical amusements, shows and museums of all kinds whatsoever within said incorporation ; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, houses of ill fame, and disorderly conduct ; to tax, license, regulate and restrain the sale of vinous or spirituous liquors, whether by retail or wholesale, within the incorporation ; to license ten-pin alleys and billiard tables ; to regulate and establish markets, town prisons, sink and repair public wells, and make all needful provisions for furnishing the town with water ; to open, discontinue, or keep in repair all necessary streets, alleys, and drains, and to adopt laws and ordinances providing for the punishment of overseers and hands who may fail to discharge their duties in working the streets, alleys and drains of said town, under such laws and ordinances as may be adopted by said council for the regulation of the same ; to levy and collect taxes on all property in said town, for the purpose of defraying the expenses of the same, which tax shall not extend beyond one-fifth of one per cent. on the valuation thereof ; to tax and license all auctioneers and peddlers, whether resident or transient, and in general to pass all such ordinances and by-laws, not inconsistent with the constitution and laws of this State, as may be necessary for the good government of said town.

SEC. 3. *Be it further enacted*, That said sections seven and ten of said act, as they stood before the passage of this act, be and they are hereby repealed.

Approved February 23, 1874.

No. 308.]

AN ACT

Amendatory of an act entitled "An act to incorporate the town of Scottsboro, in the county of Jackson," approved January 20, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one (1) of an act entitled "An act to incorporate the town of Scottsboro, in the county of Jackson," approved January 20, 1870, which reads as follows :

"Be it enacted by the General Assembly of Alabama, That the town of Scottsboro, in the county of Jackson, be and the same is hereby incorporated, and that the corporate limits of said town shall be as follows, viz: To commence at the crossing on the Memphis and Charleston railroad, first east of Otter hills; thence west along the base of the mountain to the house owned by Inus Jane Phillips, so as to include the same; thence to and through the lane on the east of the Cable farm one half mile; thence to the residence of Mrs. Scott, so as to include the same; thence to the residence of G. O. Campbell, so as to include the same; thence north to the railroad at M. P. Brown's, so as to include his residence; thence west along the railroad to the point of beginning,"—be and the same is hereby amended so as to read as follows :

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Scottsboro, in the county of Jackson, be and the same is hereby incorporated, with a jurisdiction covering and extending over all the territory embraced in a radius of one-half mile in every direction from the court-house in said town. Amendment.

SEC. 2. *Be it further enacted*, That section 3 of said act, which reads as follows :

"Sec. 3. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at all meetings of the council, and in case of his absence or incapacity any of the council may be chosen to preside. The mayor shall be invested with the jurisdiction and powers, and shall perform the duties of justices of the peace in Jackson county, and shall be subject to the same penalties and liabilities,"—shall be and the same is hereby so amended so as to read as follows :

Sec. 3. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at all meetings of the council, and in case of his absence or incapacity any of the council may be chosen to preside. The mayor shall be and is hereby invested with all the capacity, powers, authority and jurisdiction of a justice of the peace of Jackson county, and shall be subject to the same penalties and liabilities; and from any judgment or decision of the said mayor as such, or as *ex officio* justice of the peace, and any party desiring it may take an appeal or *certiorari* to the circuit court for the county of Jackson, under such regulations and restrictions as are Amendment.

or may be prescribed by the laws of the State for appeals or *certioraris* from the judgment of a justice of the peace; and from the decision or judgment of said mayor as such, any party desiring it shall have an appeal upon the execution of a bond, payable to the mayor, with two sureties, to be approved by the mayor, within five days from the rendition of such judgment or decision, for double the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, or to satisfy such judgment as said circuit court may render in the premises.

SEC. 3. *Be it further enacted*, That section six of the foregoing act, of which this act is amendatory, which reads as follows:

Sec. 6 of said act recited. "Sec. 6. Be it further enacted, That the marshal appointed under the provisions of this act shall give bond, with sufficient and approved security, in such amount as shall be determined by the corporate authorities, for the faithful performance of his duty, which bond shall be filed in the office of the clerk of the circuit court of Jackson county. The said marshal shall exercise the powers, discharge the duties and be subject to the liabilities of any constable in said county,"—be and the same is hereby so amended as to read as follows:

Amendment. Sec. 6. Be it further enacted, That the marshal appointed under the provisions of this act shall give bond, with approved security, in such amount as shall be determined by the corporate authorities, for the faithful performance of all duties imposed on him, which bond shall be filed in the office of the clerk of the circuit court of Jackson county. The said marshal shall exercise the powers and discharge the duties and be subject to the liabilities of any constable in said county; and the said marshal shall also be required to make a report of all moneys collected in any capacity whatever as such or as *ex-officio* constable or tax collector to the council during the first week in each of the months of February, May, August and November of each year, and to account to the council for the same in such manner as they may prescribe.

Repeal. SEC. 4. *Be it further enacted*, That the said sections, one, three and six, of the aforesaid act to incorporate the town of Scottsboro, in the county of Jackson, as

they read prior to the passage of this act, be and the same are hereby repealed.

Approved December 18, 1874.

No. 309.]

AN ACT

To amend section one of an act entitled "An act amendatory of an act entitled an act to incorporate the town of Scottsboro, and to legalize certain acts of M. P. Brown, mayor of said town, in the county of Jackson," approved December 20, 1874.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act amendatory of an act entitled an act to incorporate the town of Scottsboro, in the county of Jackson," which reads as follows :

"Section 1. Be it enacted by the General Assembly of Alabama, That the town of Scottsboro, in the county of Jackson, be and the same is hereby incorporated, with a jurisdiction covering and extending over a territory embraced in a radius of one-half mile in every direction from the court-house in said town,"—be and the same is hereby so amended as to read as follows :

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Scottsboro, in the county of Jackson, be and the same is hereby incorporated, covering and extending over a territory of five-eighths of one mile in every direction from the court-house in said town. Sec. 1 of said act recited.

SEC. 2. *Be it further enacted*, That all acts of M. P. Brown, as mayor of said town, so far as they may be affected by the enactment of said section one of said act amendatory of said act entitled an act to incorporate the town of Scottsboro, in said county of Jackson, be and they are hereby legalized and made of the same force and effect as if said section one of said act had never been enacted. Amendment.

SEC. 3. *Be it further enacted*, That the said section one of said act hereby amended, as it read before the passage of this act, be and the same is hereby repealed.

Approved January 30, 1875.

Acts of M. P. Brown legalized.

No. 310.]

AN ACT

To amend section three of an act, entitled an act to amend the charter of the city of Talladega, approved February 8th, 1872, and to repeal all laws in contravention thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three (3) of an act entitled "an act to amend the charter of the city of Talladega," approved February 8th, 1872, which reads as follows, to-wit: "Sec. 3. Be it further enacted, That an act entitled an act to amend section 27 of an act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereof, approved March 1st, 1870, which said amendatory act was approved March 2d, 1871, which reads as follows, viz: Be it enacted by the General Assembly of Alabama, That section 27 of an act entitled an act to establish a new charter for the city of Talladega, and to repeal all laws in contravention thereof, approved March first, eighteen hundred and seventy, which reads as follows: Sec. 27. Be it further enacted, That the corporate limits of the city of Talladega shall embrace an area of land two miles and a half square, whose centre shall be the centre of the public square of said city, and whose four boundary lines, each of which shall be two and a half miles in length, shall run parallel with a corresponding boundary of the present public square of said city, and be equi-distant east, west, north and south from the public square, be amended so as to read as follows, to-wit: Sec. 27. Be it further enacted, That the corporate limits of the city of Talladega shall embrace an area of land one and a half miles square, whose centre shall be the centre of the public square in said city, and whose four boundary lines, each of which shall be one and a half miles in length, shall run parallel with a corresponding boundary line of the public square of said city, and be equi-distant east, west, north and south, from the public square, be so amended as to read as follows, viz: Sec. 27. That the corporate limits of the city of Talladega shall embrace an area of land, whose centre shall be the centre of the public square in said city, and whose boundary line shall be at all points equi-distant from said centre and three-fourths of a mile therefrom," be and the same is hereby amend-

Sec. 3 of act of February 8th, 1872, which recites sec. 27 of act of March 1, 1870, recited.

ed so as to read as follows, to-wit: Sec. 27. Be it further enacted, That the corporate limits of the city of Talladega shall embrace the territory, or area of land, within the following boundary lines, to-wit: Commencing at a point where the west side of Jackson street, in said city, strikes the section line dividing sections 22 and 27, thence east along said section line to the north-east corner of section 27, thence along said section line to the north-east corner of section 27, thence along the section line dividing sections 23 and 26, nine hundred and twenty-four feet, thence due south to the section line dividing sections 26 and 35, thence due west on the section line dividing sections 26 and 35, and sections 27 and 34, to a point where a direct extension of Jackson street south strikes the section line dividing sections 27 and 34, thence due north to the place of commencement, all in township 18, of range 5, east, and in the county of Talladega. Amendment.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in contravention herewith, be and the same are hereby repealed.

Approved February 3, 1875.

No. 311.]

AN ACT

To amend an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 6 of an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873, which reads as follows, to-wit: "Sec. 6. Be it further enacted, All male persons shall be qualified voters in the election of officers, and other elections held in said city, who are qualified by the constitution and laws of the State to vote for members of the State legislature, and who reside in the corporate limits of said city; *Provided*, That any male person, so qualified by the laws of the State, may also vote in said election, who do business within said corporate limits, and pay city taxes on five hundred dollars worth of real estate, loca-

Sec. 6 of act of
March 12, 1873,
recited.

Amendment.

ted within the said city limits, he voting for alderman only in the ward in which he may own the greatest amount of real estate in value," be and the same is hereby amended so as to read as follows: Sec. 6. Be it further enacted, That the following persons, and none others, shall be qualified voters in all elections held in, and for, said city, to-wit: Those male citizens qualified by law to vote in State elections who shall have resided within the corporate limits of said city, *bona fide*, for sixty days prior to any such election; *Provided*, That any male person so qualified by the laws of the State may vote in such election who owns, in his own right, or that of his wife, three hundred dollars worth of property, located within said city limits, upon which he pays municipal taxes. In all elections each qualified voter may vote for one person, or candidate, for alderman, in each and every ward, as well as for mayor, and other elective municipal officers. And this amendment shall go into effect immediately.

Sec. 26 of said act recited.

SEC. 2. *Be it further enacted*, That sections 26 and 27 of said charter of the city of Tuscaloosa, which reads as follows: "Sec. 26. Be it further enacted, That there shall be elected by the qualified electors of said city, at the time and place of electing the mayor and aldermen, a marshal for said city, whose term of service shall be the same with that of mayor and aldermen, unless he is removed, dies, resigns, or otherwise vacates his office.

Sec. 27 of said act recited.

Sec. 27. Be it further enacted, That the mayor and aldermen, by a vote of two-thirds, may at any time remove from office the marshal of said city, and supply his place at once by a temporary appointment," be and the said sections 26 and 27 are hereby repealed; and said sections shall respectively be amended so as to read as follows, to-wit: Sec. 26. Be it further enacted, That the

Amendment of sec. 26.

board of mayor and aldermen are empowered to elect a marshal for said city, whose term of service shall be the same with that of the mayor and aldermen, unless he is removed, resigns, or otherwise vacates his office. Sec.

Amendment of sec. 27.

27. Be it further enacted, That the mayor and aldermen, by a vote of two-thirds, may at any time remove from office the city marshal, and appoint another to fill the vacancy created by such removal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws, and especially of said charter of the city of Tus-

caloosa, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 5, 1874.

No. 312.]

AN ACT

To repeal an act entitled an act to incorporate Union-town in Perry county, Alabama, approved March 3d, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "an act to amend an act ^{Repeal.} entitled an act to amend an act to incorporate Union-town, in Perry county," approved third of March, 1870, be and the same is hereby repealed.

Approved March 1, 1875.

No. 313.]

AN ACT

To amend section one of An act, entitled "an act to define the corporate limits of Wetumpka."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of An act entitled "an act to define the corporate limits of Wetumpka," approved February 10, 1852, which is in the following words, to-wit: Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That section thirteen, (13,) the east half of the north-east quarter of section twenty-four, (24,) in township eighteen, (18,) and range eighteen (18); ^{Sec. 1 of act} the west half of the north quarter of section seventeen, (17,) section eighteen, (18,) and the north-west quarter of section nineteen, (19,) in township eighteen, (18,) and range nineteen, (19,) with the river and margin within said boundaries, be the incorporate limits of the city of Wetumpka, be so amended as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of ^{Amendment.} Alabama, That section thirteen, (13,) the west half of the north quarter of section seventeen, (17,) section eighteen, (18,) and range nineteen, (19,) with the river

and margin within said boundaries, be the incorporate limits of the city of Wetumpka.

SEC. 2. *Be it further enacted*, That said section one of said act as it now stands, be and the same is hereby repealed.

Approved March 18, 1875.

No. 314.]

AN ACT

To amend the articles of association of Marion Savings Bank.

May sell real estate belonging to bank. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the president of the Marion Savings Bank, located at Marion, Perry county, Alabama, be and he is hereby authorizrd and empowered, upon application of the directors thereof, to sell, assign and convey such real estate from time to time as may be owned or held by said bank, under section sixteen hundred and sixty-two of the Revised Code, free from any claim thereon against any stockholder or any person claiming under them.

Approved February 25, 1875.

No. 315.]

AN ACT

To authorize the Marion Savings Bank to reduce its Capital Stock.

May reduce capital stock to \$50,000. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the stockholders of the Marion Savings Bank be and they are hereby authorized to reduce the amount of their capital stock from one hundred thousand to fifty thousand dollars.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be and they are hereby repealed.

Approved March 17, 1875.

No. 316.]

AN ACT

To amend an act styled "An act to incorporate the East Alabama Female College and the Bascomb Female Institute."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act styled "An act to incorporate the East Alabama Female college and the Bascomb Female institute," which reads as follows :

"No. 237. To incorporate the East Alabama Female college and the Bascomb Female institute.

"Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a female college be and the same is hereby established in the town of Tuskegee, in the county of Macon, to be known as the East Alabama Female college. Act recited.

SEC. 2. *Be it further enacted*, That William P. Chilton, Boling A. Blakey, Henry A. Howard, Sampson Lannier, John C. H. Read, William C. McIver, William W. Battle, George W. Gunn, Erastus W. Jones, Nathaniel W. Cocke and James M. Newman, and their successors, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the East Alabama Female college, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded as natural persons, make, seal and deliver and receive titles to property, both real and personal, may receive donations, bequests and devises of real and personal property, chuses in action and money, and do such other acts as bodies corporate may do and perform needful or necessary to the establishment and perpetuity or prosperity of said college, and they may have and use a common seal, with such device or devices as they may deem meet, and the same at pleasure revoke ; *Provided*, That in making titles to real property, under order of the board of trustees, the same shall be signed by the president and countersigned by the secretary.

SEC. 3. *Be it further enacted*, That the board of trustees shall have power to elect from their own body a president, secretary and treasurer, and such other officers as they may deem necessary to a proper organization and management of the trust herein confided, and to

assign to each their respective duties; they shall also have power to fill all vacancies which may occur in the board by death, resignation or otherwise, subject to the approval of the Tuskegee Association; *Provided*, That all the appointments made by the board shall be deemed valid until rejected by the association; and it is hereby made the duty of the board to give notice to the association at each annual convention of all appointments to fill vacancies in their own body.

SEC. 4. *Be it further enacted*, That said board shall further have power to elect professors, tutors and other officers of said college as they may think proper, and fix their salaries, with such powers and duties severally and collectively as the board may prescribe or allow, and who shall constitute the faculty of said college, and who may instruct in all the arts and sciences usually taught in similar institutions, and may grant diplomas and confer all the degrees of literary distinction which can be conferred by other institutions of learning in the United States; the said trustees shall also have power to form or adopt a code of by-laws for the government of said college and for their own government, and to alter or amend the same at pleasure; *Provided*, The same be not inconsistent with the constitution or laws of the State of Alabama; and three of said board of trustees shall be a quorum to do business, but they shall not at any meeting make any contract incurring any pecuniary liability unless notice of such meeting has been given to three-fourths of the members of said board at least three days previous thereto; *Provided*, This article shall not be construed so as to prevent a majority of the whole board at any meeting, without such notice, to create any debt or incur any pecuniary liabilities not exceeding the amount of cash on hand and notes esteemed good then in their possession.

SEC. 5. *Be it further enacted*, That said trustees may procure an endowment for said college or any professorship therein, the interest of which shall be alone expended; *Provided*, Said fund and interest shall be under the control and direction of the trustees.

SEC. 6. *Be it further enacted*, That no misnomer or misdescription of said corporation herein created in any will, deed, gift, grant, devise or other instrument of contract or conveyance shall in any wise defeat or vitiate the same, but the same shall take effect in like manner

as if said corporation were rightfully named; *Provided*, It be sufficiently described to ascertain the intention of the party or parties to such instrument.

SEC. 7. *Be it further enacted*, That the said corporation may acquire, own and be possessed of property, real and personal, not to exceed in value the sum of one hundred and thirty thousand dollars; and the college grounds, not to exceed fifteen acres, with the improvements thereon, together with all the money and personal property of whatever kind the same may be, shall be forever exempt from taxation.

SEC. 8. *Be it further enacted*, That it shall not be lawful for any person or persons, from and after the first day of March next, to sell or vend within three miles of said college edifice any spirituous liquors or any kind of drink that is calculated to produce drunkenness, in any quantity or quantities whatever, except the same be for medicinal purposes, to be prescribed by a physician, or for sacramental purposes, under a penalty of forty dollars for each offense, recoverable before a justice of the peace by *qui tam* suit, which sum shall be governed by and subject to the rules governing such actions; and in addition thereto shall for each violation be deemed guilty of the offense of retailing without license, and subject to be proceeded against and punished therefor; no license shall be received in justification or extenuation of any suit or indictment under this act.

SEC. 9. *Be it further enacted*, That this act shall be deemed and considered in law a public act, and shall be judicially taken notice of without being specially pleaded.

SEC. 10. *Be it further enacted*, That all acts, contracts and engagements of said board made and entered into by virtue of an organization in pursuance of the third section of an act approved March 3, 1848, be and the same are hereby legalized and made valid to all intents and purposes as if the same had been had or made under this act.

SEC. 11. *Be it further enacted*, That Pleasant B. Robinson, Thomas S. M. Calley, William A. Thompson, William Sanford, Robert S. Brandon, William H. Moore, Benjamin S. Pope, Daniel B. Turner, William D. F. Sawrie, Irvin Neadham, Richard Angell, John B. Trotmon, Archibald E. Mills, Robert A. Young, David P. Bibb and William McDowell, and their successors in

office, be and they are hereby constituted and declared a body corporate, by the name and style of "The Trustees of the Bascomb Female Institute," which institution shall be located in or near the town of Huntsville, in the county of Madison.

SEC. 12. *Be it further enacted*, That all the powers, privileges and immunities, restrictions and exemptions conferred upon the trustees of the East Alabama Female college, and to which they are subjected by this act, be and the same are hereby conferred upon the trustees of the Bascomb Female institute, who are also subjected to the same restrictions imposed upon the trustees of the East Alabama Female college, and all the provisions of this act, so far as the same are not inapplicable, except the eighth and tenth sections, be and the same are hereby extended to the trustees of the Bascomb Female institute," approved January 27, 1852,—be amended by adding the following sections to said act :

Amendment.

SEC. 12. *Be it further enacted*, That the said parties and their successors, by the name of the Huntsville Female college, shall have perpetual succession ; may sue and be sued, plead and be impleaded as natural persons, make, seal, deliver and receive titles to property, both real and personal ; may receive donations, bequests and devises, real and personal property, choses in action and money, and do such other acts as bodies corporate may do and perform needful or necessary to the perpetuity or prosperity of said college ; and they may have and use a common seal, with such device or devices as they may deem necessary, and the same at pleasure revoke ; *Provided*, That in making titles to real property under order of the board of trustees, the same shall be signed by the president and countersigned by the secretary.

SEC. 13. *Be it further enacted*, That the board of trustees shall have power to elect from their own body a president, vice president, secretary and treasurer, and such other officers as they may deem necessary to a proper organization and management of the trust herein confided, and to assign to each their respective duties ; they shall also have power to fill all vacancies which may occur in the board by death, resignation or otherwise, after the adoption of this amendment, subject to the approval of the North Alabama Conference of the

Methodist Episcopal Church, South ; *Provided*, That all such appointments made by the board shall be deemed valid until rejected by the said North Alabama Conference ; and it is hereby made the duty of the board, through its secretary, to give notice to the said conference, through the presiding officer thereof at each annual session thereof, of all appointments to fill all vacancies in their own body.

SEC. 14. *Be it further enacted*, That said board shall further have power to elect a president of the college, who shall be a member of the Methodist Episcopal Church, South, in good standing.

SEC. 15. *Be it further enacted*, That it shall be the duty of the president of the college to nominate to the board professors, tutors and other officers of said college, as he may think necessary, who shall be subject to election or rejection by the board, but the said president of the college shall regulate the salaries, powers and duties severally and collectively of said professors, tutors and other officers of said college, and who, in connection with the president of the college, shall constitute the faculty thereof, who may instruct in all the arts and sciences usually taught in similar institutions, may grant diplomas and confer all the degrees of literary distinction which can be conferred by other institutions of learning in the United States ; the said trustees shall also have power to form or adopt a code of by-laws for the government of said college and for their own government, and to alter or amend the same at pleasure ; *Provided*, The same be not inconsistent with the laws or constitution of the State of Alabama ; that three of said trustees shall be a quorum to do business, but they shall not at any meeting make any contract incurring any pecuniary liability unless notice of such meeting has been given to three-fourths of the members of said board at least three days previous thereto ; *Provided*, This section shall not be construed so as to prevent a majority of the whole board, at any meeting without such notice, to create any debt or incur any pecuniary liabilities not exceeding the amount of cash on hand and notes esteemed good in their possession.

SEC. 16. *Be it further enacted*, That said trustees may procure an endowment for said college, or any professorship therein, the interest of which shall be alone ex-

pended; *Provided*, Said fund and interest shall be under the control and direction of the trustees.

SEC. 17. *Be it further enacted*, That no misnomer or misdescription of said corporation herein created in any will, deed, gift, grant, devise, or other instrument of contract or conveyance, shall in any wise defeat or vitiate the same; but the same shall take effect in like manner as if said corporation were rightfully named; *Provided*, It be sufficiently described to ascertain the intention of the party or parties to such instruments.

SEC. 18. *Be it further enacted*, That the said corporation may acquire, own and be possessed of property, real and personal, not to exceed in value the sum of one hundred and thirty thousand dollars, and the college grounds not to exceed fifteen acres; with the improvements thereon, together with all the money and personal property of whatever kind, the same may be, shall be, forever exempt from taxation.

SEC. 19. *Be it further enacted*, That this act shall be deemed and considered in law a public act, and shall be judicially taken notice of without being specially pleaded.

SEC. 20. *Be it further enacted*, That the act, styled an act to amend an act, styled an act to incorporate the East Alabama College and the Bascomb Female Institute, approved December 21, 1855, Acts of 1855-6, p. 215, and which changes the name of said institution from that of the Bascomb Female Institute to that of the Huntsville Female College, be and the same is hereby continued in force.

Act of Dec. 21,
1855, continu-
ed in force.

SEC. 21. *Be it further enacted*, That section 12 of the act, styled an act to incorporate the East Alabama Female College and the Bascomb Female Institute, so far as it applies to the Huntsville Female College, and which reads as follows: Sec. 12. And be it further enacted, That all the powers, privileges, immunities, restrictions and exemptions, conferred upon the trustees of the East Alabama College, and to which they are subjected by this act, be and the same are hereby conferred upon the trustees of the Bascomb Female Institute, who are also subjected to the same restrictions imposed upon the trustees of the East Alabama Female College, and all the provisions of this act, so far as the same are not inapplicable, except the eighth and tenth sections, be and the same are hereby extended to the trustees of the Bas-

comb Female Institute, be and the same are hereby repealed.

SEC. 22. *Be it further enacted*, That said Huntsville Female College shall forever be under the supervision of the North Alabama Conference of the Methodist Episcopal Church South, and their successors; *Provided*, It be subject to the provisions herein contained, and that the board of trustees, as at present constituted, is, and shall continue, the legally constituted board of trustees of said institution, vacancies in which are hereafter to be filled as herein provided.

SEC. 23. *Be it further enacted*, That it shall be the duty of the president of said college to make an annual report to said conference of the condition of the institution.

Approved February 23, 1875.

No. 317.]

AN ACT

To amend an act entitled an act to incorporate the stockholders of the Wilcox Female Institute, approved 31st January, 1850.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to incorporate the stockholders of the Wilcox Female Institute, approved 31st of January, 1850, which is in words and figures as follows, to-wit: Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James A. Tait, L. W. Mason, Joseph George, and their associates, stockholders of the Wilcox Female Institute, at Camden, in Wilcox county, be and they are hereby incorporated and constituted a body politic in deed and in law, and may sue and be sued, in the manner hereinafter provided, be so amended as to read: Section 1. Be it enacted by the General Assembly of Alabama, That John Miller, principal and proprietor of the Wilcox Female Institute, in the county of Wilcox, be and he is hereby constituted and declared to be a body corporate, by the name and style of the Wilcox Female Institute, and as such may sue and be sued, plead and be impleaded, answer and be answered unto, in all kind of

Sec. 1 of act of
Jan. 31, 1850,
recited.

Amendment.

actions, both in law and equity; may have and use a common seal; elect or appoint all such teachers, or associate teachers, as he may choose at any time, and remove the same at pleasure, and pass or adopt all such rules and regulations as he may deem advisable for the good government of said institute. And the said John Miller may prescribe and adopt the order, mode and kind of branches of study and learning to be pursued in said institute; fix the rates of tuition; grant diplomas, or other certificates of scholarship; and do all things necessary, proper and lawful to further the objects of said literary institute, or which other literary institutes of like kind may do. And that all the grounds, buildings and other property belonging to said Wilcox Female Institute, necessarily and essentially connected with it, as a literary institution, be and remain free from any State, county or municipal taxes; *Provided*, Said buildings and property aforesaid shall continue to be used for literary or scientific purposes, and no longer.

Sections 2, 3,
4, 5, 6 and 7
repealed.

SEC. 2. *Be it further enacted*, That sections two, three, four, five, six and seven of said act, being inconsistent with the provisions of section one, as hereinbefore amended in section one of this act, be and the same are hereby repealed.

Approved January 15, 1874.

No. 318.]

AN ACT

To amend the charter of the Pickens Academy.

Sec. 1 of said
act recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to incorporate the Pickens Academy," which is as follows, to-wit: Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Davis Wood, William R. Scott, Philip Noland, F. D. Smith, Lewis Easterling, S. D. Carroll, G. W. Gillespie, Sardine Hildrath, S. M. Newell and Willis Davis, and their successors in office, be and they are hereby constituted and declared a body corporate by the name and style of "The Trustees of the Pickens Academy," and by that name may sue and be sued,

plead and be impleaded, answer and be answered unto, in all kind of actions, both in law and equity; may receive donations, purchase property of any kind, whether real, personal or mixed, for the sole use and benefit of said academy; to hold the real estate already conveyed to them by J. B. Jennings, B. O. Jennings, G. Clear, the same to hold, use, and dispose of at pleasure, and use a common seal. They are further hereby empowered to make such rules, regulations and by-laws for the good government of said academy as may be necessary, the same not being repugnant to the constitution and laws of Alabama. And a majority of said trustees shall have power to employ a teacher or teachers, put him in possession of the house, and in the making of contracts, and in the making of said rules and regulations, a majority of said trustees shall govern. They shall have the same powers that similar corporations have, and a majority of all the trustees shall constitute a quorum to do business," be amended by adding to said section the following, to-wit: And that the trustees of said academy, now residing in Pickens county, are authorized and empowered by this act to fill all vacancies that may or have occurred by death or otherwise, in said board of trustees; and also, at any time to remove the school house to any other location deemed by the trustees more convenient and desirable for the people of the neighborhood.

Amendment.

Approved February 13, 1875.

No. 319.]

AN ACT

To enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and council of the town of Union Springs be and they are hereby authorized and empowered to confer by proper ordinances upon the mayor of said town, jurisdiction and power, to try and punish the offences of petit larceny, vagrancy, lewdness, and other offences of like nature, committed within the corporate limits of said town of Union Springs.

Mayor and council may try certain offences.

SEC. 2. *Be it further enacted,* That the mayor and council of the town of Union Spring may empower the

Council may
empower may-
or to impose
certain pun-
ishment.

mayor to impose fines not to exceed one hundred dollars, or in default of payment, order imprisonment or work on the public streets or alleys not to exceed fifty days, for breach of ordinances authorized in the first section of this act, and to enforce and collect said fines in such manner as may be prescribed by said ordinances by execution against the property of, or committing the defendant to the guard house of said town, which fines shall be paid into the treasury of said town.

Right of ap-
peal given.

SEC. 3. *Be it further enacted*, That all parties tried under the provisions of this act, shall have and be entitled to an appeal to the next term of the county court of Bullock county, by giving bond with security for their appearance at the next term of said court, to be approved by the mayor.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 23, 1875.

No. 320.]

AN ACT

To amend an act entitled "An act further to amend an act to incorporate the South and North Alabama Railroad Company, approved February 17, 1854, which was approved August 5, 1868."

Act recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act further to amend an act to incorporate the South and North Alabama Railroad Company," approved August 5, 1868, (Pamph. Acts of 1868, page 82,) and which is in the words and figures as follows, to-wit: "Section 1. *Be it enacted by the General Assembly of Alabama*, That the fifth section of the act mentioned and referred to in the title of this act, which section is as follows, to-wit: That said road or branch must be commenced in two years, by putting under contract the grading of not less than thirty miles of said road, and that each must be completed in fifteen years; and that upon the completion of any part, the president and directors may levy and collect tolls thereon from all persons, property, merchandise, and

other commodities transported thereon, and that sections 6, 7, 8, 9, 10, 11, 12, 13, and 14, of the charter of the Russell Railroad Company be and are hereby made sections of the South and North Alabama Railroad Company's charter, (see published acts of last session, number 127, page 166, in the pamphlet of acts,) be and the same is hereby amended, by striking out the words 'fifteen years,' where they occur, and inserting in lieu thereof the words 'thirty years,'"—be and the same hereby is amended so as to read as follows: Section 1. Amendment. Be it enacted by the General Assembly of Alabama, That the fifth section of the act mentioned and referred to in the title of this act, which section is as follows, to-wit: That said road or branch must be commenced in two years, by putting under contract the grading of not less than thirty miles of said road, and that each must be completed in fifteen years; and that upon the completion of any part, the president and directors may levy and collect tolls thereon from all persons, property, merchandise, and other commodities transported thereon, and that sections 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the charter of the Russell Railroad Company be and are hereby made sections of the South and North Alabama Railroad Company's charter, (see published acts of last session, number 127, page 166, in the pamphlet of acts,) be and the same is hereby amended by striking out the words "thirty years," where they occur, and inserting in lieu thereof the words twenty-five years.

SEC. 2. *Be it further enacted*, That said act, approved August 5, 1868, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 20, 1875.

No. 321.]

AN ACT

To amend the charter of the Talladega, Nashville and Montgomery Railway Company.

WHEREAS, the Talladega, Nashville and Montgomery Railway Company was duly chartered by the secretary of the State of Alabama, on the — day of ——— *Anno Domini*, 1873, by virtue of and in pursuance of an act of the State of Alabama, approved December 29, 1868,

Act recited.

entitled "An act for the creation and regulation of railroad companies in the State of Alabama," in words and figures as follows, to-wit: "An act for the creation and regulation of railroad companies in the State of Alabama. Section 1. Be it enacted by the General Assembly of Alabama, That any number of natural persons, not less than five, may become a body corporate, with all the rights, powers and privileges conferred, and made subject to all the restrictions of this act.

"Sec. 2. Be it further enacted, That any number of persons aforesaid associating to form a company for the purpose of constructing a railroad, shall, under their hands and seals, make a certificate which shall specify as follows: 1st, the name assumed by such company, and by which it shall be known; 2d, the name of the place of the termini of said road, and the county or counties through which such road shall pass; 3d, the amount of capital stock necessary to construct such road. Such certificate shall be acknowledged before a justice of the peace, and certified by the clerk of the circuit court, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office, and a copy thereof, duly certified by the secretary of state, under the great seal of the State of Alabama, shall be evidence of the existence of such company.

"Sec. 3. Be it further enacted, That when the foregoing provisions have been complied with, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate in accordance with the provisions of this act; and they and their associates, successors, and assigns, in the name and style provided in such certificate, shall thereafter be deemed a body corporate, with successors, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the object for which it was created; and such company shall possess all the powers, and be subject to all the rules and restrictions provided by this act.

Act recited.

"Sec. 4. Be it further enacted, That said corporation shall be authorized to construct and maintain a railroad, a single or double track, with such side tracks, turnouts, offices, and depots as they may deem necessary, between the points named in the certificate, commencing at or

within, and extending to or into, any town, city or village named as the place of the termini of such road; and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

“Sec. 5. Be it further enacted, That the capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sums as may be named in the certificate; such shares shall be regarded as personal property, and shall be subject to execution at law. Act recited.

“Sec. 6. Be it further enacted, That an installment of each share of stock shall be payable at the time, or at such other time as said company may require, of making the subscription; and the residue thereof shall be paid in such installments, and at such times and places, and to such persons as may be required by the directors of said company.

“Sec. 7. Be it further enacted, That if any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held by assignees, transferee, or the original subscriber, the same may be collected by an action at law; or the directors may sell the stock (to subscribers) at public auction for the installments then due thereon, first giving thirty days public notice of the time and place of sale in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or of his actual residence at the time of said sale; or if such stockholder resided out of the State, such publication shall be made in the county where the principal office of the company is located; and if any residue of money shall remain, after paying the amount due on said stock, the same shall, on demand, be paid over to the owner; or if the whole of said installment be not paid by such sale, the remainder shall be recoverable by an action of debt against the subscriber, assignee, or transferee.

“Sec. 8. Be it further enacted, That if any railroad company heretofore incorporated, or created and incorporated under the provisions of this act, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the auditor Act recited.

of State a certificate setting forth the amount of such desired increase, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate.

“Sec. 9. Be it further enacted, That the persons named in said certificate of incorporation, or any three of them, shall be authorized to order books to be opened to receive subscriptions to the capital stock of said company, at such time or times and at such place or places as they may deem expedient, after having given at least thirty days notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books; and as soon as ten per centum of the capital stock shall be subscribed, they may give like notice for the stockholders to meet, at such time and place as they may designate, for the purpose of choosing seven directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified, at the time and place appointed; directors shall be chosen by ballot by such of the stockholders as may attend for that purpose, either in person or by lawful proxies; each share shall entitle the owner to one vote, and plurality of votes shall be necessary for a choice; but after the first election of directors no person shall vote on any share on which any installment is due or unpaid. The persons named in such certificate, or such of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting; a majority of said directors shall form a board, and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders at their meetings shall determine, or as the by-laws of the corporation shall require; and the directors chosen at any election shall, as soon thereafter as may be convenient, choose one of their number to be a president, and shall appoint a secretary and treasurer for the corporation. The directors, before entering on their duties, shall each take an oath, or affirmation, faithfully to discharge their duties, and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

"Sec. 10. Be it further enacted, That such corporation is authorized to enter upon any land for the purpose of examining and surveying its railroad lines, and may appropriate as much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, workshops and water stations, material for construction except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water aqueducts, and the right to make proper drains; but no appropriation of private property to use of any corporation provided for in this act, shall be made until full compensation therefor be first made in money, or secured by deposit of money to the owner or owners, irrespective of any benefit from any improvement proposed by such corporation, as shall be prescribed by law.

Act recited.

"Sec. 11. Be it further enacted, That whenever any railroad company, heretofore incorporated, or which may hereafter be incorporated, shall find it necessary for the purpose of avoiding annoyance to the public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for any other unreasonable cause, to change the location or grade of any portion of their road, whether heretofore made or hereafter to be made, such railroad companies shall be and are hereby authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company, and for the purpose of making any such changes in the location and grades of such road as aforesaid, such company shall have all the rights, powers and privileges to enter upon and take and appropriate such lands and make surveys necessary to effect such changes and grades, upon the same terms, and be subject to the same obligations, rules and regulations as are prescribed by law, and shall also be liable in damages, when any have been caused by such change, to the owner or owners of the lands upon which said road was heretofore constructed, to be ascertained and paid or deposited as aforesaid; but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or notice by publication in some newspaper in general circulation in the county, if a non-resident.

"Sec. 12. Be it further enacted, That if it shall be necessary in the location of any part of any railroad to occupy any road, street, alley or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporations or public officers, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley, or other public way or ground, such company may appropriate so much of the same as may be necessary for the purpose of such road, in the same manner and upon such terms as is provided for the appropriation of the property of private individuals by the tenth section of this act.

Act recited.

"Sec. 13. Be it further enacted, That such corporation shall demand and receive for the transportation of passengers of said road not exceeding three cents per mile, and for the transportation of property not exceeding five cents per ton a mile, when the same is transported a distance of thirty miles or more, and in case the same is transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company, as prescribed by law.

"Sec. 14. Be it further enacted, That such company may have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, and may execute bonds or promissory notes therefor, in sums not less than one hundred dollars, and to secure the payment thereof, may pledge the property and income of such company.

"Sec. 15. Be it further enacted, That such company may acquire, by purchase or gift, any lands in the vicinity of said road, or through which the same may pass, so far as may be deemed convenient or necessary by said company, to secure the right of way, or such as may be granted to aid in the construction of railroad, and the same to hold or convey in such manner as the directors may prescribe, and all deeds and conveyances made by such company shall be signed by the president, under the seal of the corporation, and any existing railroad corporation may adopt the provisions of this act,

and after such acceptance, all conflicting provisions of their respective charters shall be null and void.

"Sec. 16. Be it further enacted, That it shall be law-^{Act recited.}ful for such corporation, whenever it may be necessary, for the construction for such road, to cross any road or stream of water, to direct the same from its present location, or bed; but the said corporation shall, without unnecessary delay, place such road, or stream, in such condition as not to impair its former usefulness.

"Sec. 17. Be it further enacted, That such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper, of such establishment or change.

"Sec. 18. Be it further enacted, That every company organized under this act, shall be required to erect at all points where their road shall cross any public road at a sufficient elevation from such public road, to admit of a free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad and warn persons of the necessity of looking out for the cars. Any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal, and such railroad company shall be required to fence its roads with good substantial fences, under such rules as the county commissioners of the several counties through which the same may pass shall prescribe.

"Sec. 19. Be it further enacted, That each and every railroad, incorporated under this act, shall annually, in the month of January, make a full report of the condition of its affairs to the auditor of the State, showing the amount of the capital stock of such company, the gross amount, tolls or receipts, and incidental expenses, the amount of profits, and the dividend made, with such other facts as may be necessary to a full statement of the affairs and condition of such road, and the auditor shall annually present an abstract copy of such reports to the general assembly.^{Act recited.}

"Sec. 20. Be it further enacted, That whenever the line of any railroad company now existing, or which may hereafter organize under this act, shall cross any canal or navigable water, the said company shall file with a

board of public works, where such crossing is proposed the place of bridge and other fixtures for crossing such canal or navigable water, designating the place of crossing, and if the board of acting commissioners thereof shall approve of such place, he shall notify such company in writing of such approval; but if such board or acting commissioners shall disapprove such place, or fail to approve the same within twenty days from the filing thereof, then it shall be lawful for such company to apply to the court of common pleas, and any judge in vacation and upon reasonable notice being given to the board of public works, or said acting commissioners, said court or judge shall, upon good cause shown, appoint a competent disinterested engineer, not a resident of any county through which such road passes, to examine such crossing, and prescribe the plan and condition thereof, so as not to impede navigation, and such engineer shall, within twenty days from his appointment, make his return to the circuit court of the county where such crossing is to be made, subject to exception by either party, and thereupon the court shall, at the next term, after filing out the said return, proceed to examine the same, and unless cause shown, shall approve and confirm the same, and such order of confirmation shall be sufficient authority for the erection, use and occupancy of such bridge, in accordance with such plan; *Provided*, That no railroad company shall be authorized to construct any permanent bridge over any canal in the State, which shall be less than ten feet in the clear above the top water line of said canal, and the piers and abutments of such bridge shall be placed so as not in any manner to contract the width of the canal, or to interfere with the free passage of the turning path.

Act recited.

“Sec. 21. Be it further enacted, That whenever the lines of railroad of any railroad company in the State, or any portion of such lines, have been, or may be constructed, so as to admit of the passage of burden or passenger cars over any two or more of such roads continues without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation in the following manner: The directors of two or more corporations may enter into an agreement under the corporate seal of each for the consolidation of the two or more corporations, prescribing the terms and conditions thereof, the mode of carrying the

same into effect, the name of the corporation, the number of directors thereof, which shall not exceed thirteen, the time and place of holding the first election of directors, the number of shares of capital stock in the new corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, the manner of compensating stockholders in each of said two or more corporations, who refuse to convert their stock into the stock of such new corporation, with such other details as they shall deem necessary to perfect such consolidation of such corporations, and such new corporations shall possess all the powers, rights and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by this act; *Provided*, That all the stockholders in either of such corporations, who shall refuse to convert their stock into such new corporation shall be paid at least par value for each of the shares so held by them, if they shall so require, previous to said consolidation being consummated; such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations, until after it has been submitted to the stockholders of each of said corporations separately at a meeting thereof, to be called upon a notice of at least thirty days, specifying the time and place of such meeting, and the object thereof, to be addressed to each of such stockholders, when their place of residence is known, and deposited in the post office, and published for at least three successive weeks in one newspaper in at least one of the cities or towns in which each of said corporation has its principal office of business, and has been sanctioned by such stockholders, by a vote of at least two-thirds in amount of the stockholders present at such meeting, voting by ballot, in regard to such agreement, either in person or by proxy, each share of capital stock being entitled to one vote, and when such agreement of directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of directors shall be deemed to be the agreement of the said two or more corporations.

“Sec. 22. Be it further enacted, That upon making the agreement mentioned in the preceding section, in Act recited.

the manner required therein, and filing a duplicate or counterpart thereof in the office of the secretary of state, the said two or more corporations, mentioned or referred to in the said first section, shall be merged into the new corporation provided for in such agreement, to be known by the name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

"Sec. 23. Be it further enacted, That upon the election of the first board of directors of the corporation created by agreement, as in the twenty-first section of this act mentioned, and by the provisions of this act, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, or all and singular, their rights and interests in, and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferable to and vested in such new corporation, without any other deed or transfer, and such new corporation shall hold and enjoy the same, together with the right of way, and all other rights of property, in the same manner and to the same extent as if the said two or more corporations, parties to such agreement, should have continued to retain the title, and to transact the business of such corporations, and the titles and real estate acquired by either of said two or more corporations, shall not be deemed to revert or be impaired by means of anything in this contained; *Provided*, That all rights of creditors, and all levies upon the property of either of said corporations, parties to said agreement, shall be and are hereby preserved unimpaired, and the respective corporations shall continue to exist as far as may be necessary to enforce the same; *And provided further*, That all the debts, liabilities and duties of either company shall thenceforth attach to such new corporation, and to be enforced from the same, to the same extent and in the same manner as if such debts, liabilities and duties had been incurred by it.

"Sec. 24. Be it further enacted, That railroad companies heretofore or hereafter incorporated, may at any time, by means of subscription to the capital of any other company or otherwise, aid such company in the construction of its railroad for the purpose of forming the connection of said last mentioned road with the road owned by the company furnishing said aid, or any railroad company organized in pursuance of law, may lease

or purchase any part or all of any railroad constructed by any other company, if said company's lines of said road are continuous or connected as aforesaid, upon such terms or conditions as may be agreed on between said companies respectively, or any two or more railroad companies whose lines are so connected, may enter into an arrangement for their common benefit, consistent with and calculated to promote the objects for which they were created; *Provided*, That no such aid shall be furnished, nor any purchase, lease or arrangement perfected until a meeting of the stockholders of each of said companies shall have been called by the directors thereof, at such time and place and such manner as they shall designate, and the holders of at least two-thirds of the stock of such companies represented at such meeting, or by person, or by proxy, and voting thereat, shall have assented thereto.

"Sec. 25. Be it further enacted, That the commissioners of any county, the city or town council of any town, or trustee of township, which city, town or township, heretofore subscribed to the capital stock of any railroad company or turnpike, or plank road company, and has issued or shall hereafter issue any bonds for the payment of such subscription, are hereby authorized to sell the same stock, or any part thereof, and on such terms as they shall deem to be for the interest of the said county, city or town, or township, respectively, and may apply the proceeds of such sale to the payment of the bonds of such county, city, town or township, subscribed.

"Sec. 26. Be it further enacted, That any railroad company in this State shall cause all its trains of cars for passengers to entirely stop upon each arrival at a station advertised by such company as a station for receiving passengers upon such trains, at least one-half of one minute, and every company, and every person in the employment of such company, that shall violate, or cause or permit to be violated, the provisions of this section, shall be liable to a forfeiture of not more than one hundred nor less than twenty-five dollars, to be recovered in an action of debt, upon the complaint of any person before any justice of the peace of the county in which such violation shall occur, under the provisions of this section; the company whose agent shall cause or permit such violation shall be liable for the amount of

such forfeiture, and in all cases the conductor upon such train shall be held *prima facie* to have caused the violation of this section which may occur upon the train in his charge, said forfeiture to be recovered in the name of the State of Alabama for the use of common schools," approved December 28, 1868.

And whereas, taking advantage of the provisions of

Corporators. the said act, R. H. Isbell, N. J. Skaggs, James Gillespy, J. P. Wood, P. G. Stringer, Nick S. McAfee, E. A. Crandall and J. H. Johnson, on the 2d day of October, 1873, formed themselves into a body corporate, for the purpose of constructing a railroad from the city of Talladega, in said State of Alabama, *via* or near the town of Attala and Guntersville, in said State of Alabama, to or near the town of Tullahoma or the town of Dechard, in the State of Tennessee; also a branch railroad to or near the city of Huntsville, in said State of Alabama, and thence to the State line of Tennessee, in the direction of the town of Pulaski, in said State; and from said city of Talladega, *via* or near Wetumpka, to the city of Montgomery, in said State of Alabama, under the corporate name of the Talladega, Nashville and Montgomery railway, in the manner and in the language following, to-wit:

Purpose of corporation.

Route of railroad.

"State of Alabama, Talladega county. We, the undersigned, hereby certify that we have associated ourselves together to form a company for the purpose of constructing a first class five-feet gauge railroad, to be known as the Talladega, Nashville and Montgomery railway company. The said railroad shall be constructed from the city of Talladega, through the counties of Talladega, Calhoun, St. Clair, Etowah, Marshall, Madison or Jackson, in said State of Alabama, or in parts of both of said last named counties as may best comport with the location of said railroad with its northern terminus at Tullahoma or Dechard, in the county of Franklin, in the State of Tennessee, with a branch road to the city of Huntsville, in said State of Alabama, and which may be continued in the direction of the town of Pulaski, Giles county, in the State of Tennessee, and southward from said city of Talladega through the county of Clay, provided said railroad company shall so elect the counties of Coosa and Elmore, to the city of Montgomery, in the said county of Montgomery, in said State of Alabama, the said city of Mont-

gomery being its southern terminus. The amount of capital stock necessary to build said railroad and branch road, one million dollars. Done under and in accordance with the act of the general assembly aforesaid, approved December 29, 1868. This the 2d day of October, 1873. Signed, R. H. Isbell [L. S.], N. J. Skaggs [L. S.], James Gillespy [L. S.], J. P. Wood [L. S.], P. G. Stringer [L. S.], Nick S. McAfee [L. S.], E. A. Crandall [L. S.], J. H. Johnson [L. S.].

"State of Alabama, Talladega county. I, James Lanson, a justice of the peace, in deed for the aforesaid, hereby certify: R. H. Isbell, N. J. Skaggs, James Gillespy, J. P. Wood, P. G. Stringer, Nick S. McAfee, E. A. Crandall and J. H. Johnson, whose names are signed to the foregoing certificate, and who are known to me, acknowledge before me this day that they signed the same on the day the same bears date. Given under my hand and seal this the second day of October, 1873. James Lanson [L. S.], justice of the peace for Talladega county, Alabama.

"State of Alabama, Talladega county. I, James H. Coker, clerk of the circuit court in and for said county, hereby certify that James Lanson, whose name is attached to the foregoing certificate, is a justice of the peace in and for the county of Talladega, duly commissioned and qualified, and I hereby certify that R. H. Isbell, N. J. Skaggs, James Gillespy, J. P. Wood, P. G. Stringer, Nick S. McAfee, E. A. Crandall and J. H. Johnson, whose names are signed to the first certificate written above, acknowledge before me this day that they signed and affixed their names and seals to the same the day the same bears date. Witness my hand and seal this the second day of October, 1873. James H. Coker [L. S.], clerk of the circuit court, Talladega county, Alabama.

"State of Alabama, office of Secretary of State, Montgomery, October 13, 1873. I hereby certify that the foregoing is a correct copy of the original declaration of incorporation of the Talladega, Nashville and Montgomery railway company, this day filed in this office. Given under my hand and great seal of the State this the 13th day of October, A. D., 1873. (Signed) P. Ragland, Secretary of State of Alabama.

"An act to amend the charter of the Talladega, Nashville and Montgomery railway company. Where-

as, the Talladega, Nashville and Montgomery railway company was duly chartered by the Secretary of the State of Alabama on the 13th day of October, 1873, by virtue of and in pursuance of an act of the State of Alabama, approved December 28, 1868, entitled 'An act for the creation and regulation of railway companies in the State of Alabama,' enacted as follows: An act for the creation and regulation of railroad companies in the State of Alabama, in words and figures as follows, viz: An act to provide for the creation and regulation of railroad companies in the State of Alabama." Amendments.

Amendments.

Number of directors.

Sec. 1. Be it enacted by the General Assembly of Alabama, That the provisions contained in the 9th section of said charter shall be and the same are hereby changed and modified as to authorize the said railway company to choose and elect eleven directors, who shall be stockholders in said company, who shall continue in office and be clothed with all the powers and functions contained in section nine of said charter.

Rates of transportation.

Sec. 2. Be it further enacted, That the provisions contained in the 13th section of said charter shall be and the same are hereby so changed and modified as to leave the said railway company free to fix such reasonable rates for the transportation of property and passengers as, in the discretion of the company, it may think best; *Provided*, That said railway company shall not charge more than twenty-five per cent. higher rates for transporting local freight than is charged per mile for transporting through freights; *Provided, also*, That such corporation shall not demand or receive for the transportation of passengers on said railroad exceeding four cents per mile.

Proviso.

May borrow money.

Sec. 3. Be it further enacted, That the provisions contained in the 14th section of said charter shall be and the same are hereby so changed and modified so as to authorize and empower the said company to borrow money at such rates of interest as in its own discretion it may deem most conducive to the interests of said company.

May or may not fence its road.

Sec. 4. Be it further enacted, That the provisions contained in the 18th section of said charter shall be and the same are hereby so changed and modified as to leave the said railway company free to fence or not to fence its road, as it may judge best.

Sec. 5. Be it further enacted, That the said Talladega,

Nashville and Montgomery railway company is hereby authorized and fully empowered to increase the amount of its capital stock from one million of dollars to five millions, or to whatever reasonable amount it may be found is required to build, equip and operate its said railway between the termini named and set forth in the charter of said company. May increase
its capital
stock.

Approved March 18, 1875.

No. 322.]

AN ACT

To amend section one (1) of an act entitled "An act to amend an act to incorporate the Pensacola Railroad Contracting Company," approved February 16, 1867.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one (1) of the above entitled act, which is in words and figures as follows, viz:

"Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Edward Broughton, John T. Milner, Samuel G. Jones, John A. Broughton, Meyer Lehman, with others, their associates, and such as they may associate with them for the purpose, are hereby constituted a body politic and corporate, by the name of the Pensacola railroad contracting company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, and by that name may sue and be sued, plead and be impleaded, in any court of this State and elsewhere, to make and to have a common seal, and the same to break, alter and renew at pleasure; and the company is hereby vested with all the rights and powers, authority, privileges, and immunities which are or may be required or necessary to contract with, and to carry into effect all contracts or agreements which said Pensacola Contracting Company may or shall make to and with any railroad company in the State for the construction and equipment of their road, or the Mobile and Montgomery, or the Pensacola and Louisville Railroad Company of Florida, for the construction of the railroad from Pollard to the State line of Florida,"—be and the same is hereby amended so as to read as follows, to-wit: Sec- Section recited

Amendment. tion 1. Be it enacted by the General Assembly of Alabama, That Edward Broughton, John T. Milner, Samuel G. Jones, John A. Broughton, Meyer Lehman, with others, their associates, and such as they may associate with them for the purpose, are hereby constituted a body politic and corporate, by the name of the Montgomery Company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal, and mixed property, and by that name may sue and be sued, plead and be impleaded, in any court of this State and elsewhere, to make and to have a common seal, and the same to break, alter or renew at pleasure; and the company is hereby vested with all the rights and powers, authority, privileges and immunities which are or may be required, necessary to carry on any contracting, mining, or manufacturing business which said Montgomery Company may or shall carry on in this State.

Approved March 11, 1875.

No. 323.]

AN ACT

To amend an act entitled "An act to incorporate the Montgomery South Plank Road Company."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the above entitled act, which is in words and figures, as follows, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Joseph D. Hopper, John B. Figh, Thomas B. Burton, Hugh W. Henry, Mathew C. Stokes, Henry Holmes, John Goldthwaite, John W. Hughes, William B. Vandever, and their associates and successors, are hereby declared and constituted a body corporate by the name of the Montgomery Plank Road Company, and by that name to sue and be sued, plead and be impleaded, answer and be answered, in any court of this State; to make, have, and use a common seal, and the same to break, alter and renew at pleasure; and the said company are hereby vested with all powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, hereinafter set forth, and may have

Corporators.

Name.

Powers.

Hold real and personal property.

and hold real and personal property to all extent necessary and proper for the same. And it shall be the duty of the corporation hereinbefore named to open books, free for all persons to subscribe for the stock of said company, within thirty days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing, and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the city of Montgomery, at least ten days prior to the opening said books for subscriptions.

Must open books of subscription.
\$10 per share to be paid at date of subscription.
Notice.

"Sec. 2. Be it further enacted, That the capital stock of said company shall be one hundred thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner and mode of said subscriptions, and the time and mode of payment, with full power to regulate the whole matter; and to declare forfeitures, under certain rules, when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required as they become due; *Provided*, That any regulation thus adopted shall be general and operate on all alike.

Amo't of capital stock.
Corporation to regulate time and mode of subscription.

"Sec. 3. Be it further enacted, That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferable according to such regulations as said corporation may adopt, and the number of votes to which each stockholder may be entitled on all questions concerning the interests of the company shall be equal to the number of shares held by him; each share being entitled to one vote.

Act further recited.

"Sec. 4. And be it further enacted, That it shall be lawful for, and said company shall have power and authority, and is hereby authorized to locate and construct a plank road from the southern line of the city of Montgomery, in a direct line south, or as near as may be, crossing the Catoma creek at or near Norman bridge, and extending south for thirty miles; *Provided, however*, That said road shall not be so located as to interfere with any dwelling-house, or pass through the yard of any dwelling-house, without the consent of the owner of the same; *And provided further*, That the said company shall have the exclusive privilege of constructing said road from

the place where it crosses the Catoma creek to a point on said road five miles from said creek; and shall further have the privilege of constructing and extending branches from the said road to any point which the said company may desire, and particularly to Orion, in Pike county, and to Greenville, in Butler county; and no road by any charter hereafter to be granted be constructed parallel to the said South Plank Road within five miles of the same; *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this State, and which right shall be reciprocal.

“Sec. 5. And be it further enacted, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organized, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually, at such time and place as the stockholders may determine, and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries, and shall also have power to employ all such officers, agents, servants, or laborers, as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear needful touching the management of the road to be constructed and the effects of the corporation. A majority of the directors shall form a quorum for the transaction of business.

“Sec. 6. Be it further enacted, That the said corporation shall have power and authority to acquire, by purchase or otherwise, a right of way from owner or owners of land through which said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road, and also to receive

from the commissioners of roads and revenue of the county or counties in which said road may run the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorized and empowered to grant the use of said highway or highways to the said company when the said commissioners may deem it expedient for the location and construction of said plank road, or the construction of toll houses; *Provided*, That no public road which said commissioners of roads and revenue deem expedient to be kept open shall be obstructed thereby; and the said corporation shall also have the power and authority to receive from the municipal authorities of the city of Montgomery the use of any street or streets for the location or construction of said road or toll-houses, and the municipal authorities of said city are hereby authorized and empowered to grant said company the right over and use of any street or streets in said city or town, in such manner, and in such direction as the public convenience may permit.

“Sec. 7. Be it further enacted, That if the said company can not agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardians or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land, upon such a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to owners, administrators, executors, guardians, trustees, at least five days before such a day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted at the dwelling-house, if such there be, or a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks, by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such

road through such land. If any such person shall fail to appear, or by reason of challenge or otherwise shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers, and if they fail to render a verdict, the said sheriff shall again, on the same or on a subsequent day, empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records; and said verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of said damages to the credit of the owner in the hands of the judge of the county court of Montgomery shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may summon under said writ; and every juror and witness summoned not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as costs. There shall be allowed the following fees to the clerk of the circuit court: For every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's fees; for holding inquest, five dollars; for summoning witnesses, twenty-five cents each; to jurors, seventy-five cents per diem each; which fees are not allowed until a verdict is rendered and filed, and shall be taxed in the bill of costs and paid by said company; *Provided, however*, That before the application for said writ, the said company may make a tender to the owner or owners of any such land of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to, and paid by, the owner of the land upon which the inquest is held.

"Sec. 8. And be it further enacted, That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company for the transit of property and persons upon said road; for which purpose a rate of toll shall be established and published at each toll-gate on said road for the information of the public; though it shall not be lawful to charge a greater amount on the articles and animals hereinafter enumerated than the rate hereinafter stipulated: For each horse or mule not in harness, one cent per mile per head; for horse and rider, one cent per mile; for each one-horse pleasure carriage, two and one-half cents per mile; for each two-horse pleasure carriage, three and one-half cents per mile; for each loaded cart with one animal, one and one-fourth cents per mile; for each loaded wagon with two animals, three cents per mile; for all wagons with more than two animals, one half cent per mile for each additional head; empty carts and wagons to be charged at one-half the above rates; each five head of neat cattle, two and one-half cents per mile; each ten head of hogs or sheep, two and one-half cents per mile; and said company may erect toll-gates whenever three miles are completed, and the gates erected shall not be less than three miles apart.

"Sec. 9. And be it further enacted, That no other plank road for public use shall be constructed within fifteen years after the completion of said road, to run parallel to said road from and beyond the Catoma Creek southward, within five miles of the road herein contemplated; *Provided, however,* That the following persons shall be exempt from the payment of toll for passing over said road, at the gates of said company: First, persons going to and fro from religious meetings, when the distance does not exceed three miles; second, all persons going to or from any funeral, and all funeral processions; third, persons going to any election of a public nature, at which they are entitled to vote, for the purpose of voting and returning therefrom the same day; *Provided,* The distance does not exceed three miles; fourth, all persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one-half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free, when not employed in the transportation of persons

or property of other persons; fifth, troops in the actual service of this State or of the United States.

"Sec. 10. And be it further enacted, That any person falsely representing himself, or herself, to any gatherer, as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be received in the corporate name of the company before any justice of the peace of the State of Alabama,"—be and the same is hereby amended so as to read as follows, to-wit:

Amendment.
Corporators.
Name changed
Powers.
Must open books of subscription.
Advertise time and place.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Joseph D. Hopper, John P. Figh, Thomas B. Burton, Hugh W. Henry, Mathew C. Stokes, Henry Holmes, John Goldthwaite, John W. Hughes, W. P. Vanderveer, and their associates and successors, are hereby declared and constituted a body corporate, by the name of the Montgomery and Southern Railroad Company, and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this State, to make, have and use a common seal and the same to break, alter and renew at pleasure. And the said company are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth, and may have and hold real and personal property to all extent necessary and proper for the same; and it shall be the duty of the corporators hereinafter named to open books free for all persons to subscribe for the stock of said company within two years after the passage of this charter, and to require payment in cash of one dollar per share at the time of subscribing, and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the city of Montgomery, at least ten days prior to the opening said books for subscriptions.

Capital stock. SEC. 2. *Be it further enacted,* That the capital stock of said company shall be three million dollars.

Amount of shares.
Number of votes of stockholders.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interests of the company, shall be equal to the number

of shares held by him, each share being entitled to one vote.

SEC. 4. *Be it further enacted*, That it shall be lawful for, and said company shall have power and authority, and is hereby authorized to locate and construct a plank road from the southern line of the city of Montgomery, in a direct line south, or as near as may be, crossing the Catoma Creek at or near Norman Bridge, and extending south for thirty miles; *Provided, however*, That said road shall not be so located as to interfere with any dwelling house or pass through the yard of any dwelling house without the consent of the owner of the same; *and provided further*, That the said company shall have the exclusive privilege of constructing said road from the place where it crosses the Catoma Creek to a point on said road five miles from said creek, and shall further have the privilege of constructing and extending branches from the said road to any point which the said company may desire, and particularly to Orion, in Pike county, and to Greenville, in Butler county; and no road by any charter hereafter to be granted, be constructed parallel to the said Montgomery Southern Railroad within five miles of the same; *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this State, and which right shall be reciprocal.

May construct plank road.

Route.

Power to unite with other plank roads.

SEC. 5. *Be it further enacted*, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organized, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually, at such time and place as the stockholders may determine, and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president and also a secretary or treasurer, and fix their salaries, and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the

Board of directors to be chosen.

Chosen annually.

A president to be elected by the board from its number.

Secretary or treasurer also chosen.

Authorized to employ agents, &c.

construction of the proposed road, and the transaction of the business of the corporation, and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear needful, touching the management of the road to be constructed, and the effects of the corporation. A majority of the directors shall form a quorum for the transaction of business.

By-laws.

Quorum.

May acquire
right of way.

Commission-
ers court au-
thorized to
grant use of
highways.

Proviso.

City of Mont-
gomery may
grant right of
way over sts.

In case of dis-
agreement
how decided.

SEC. 6. *Be it further enacted*, That the said corporation shall have power and authority to acquire by purchase or otherwise, a right of way from owner or owners of land through which said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road, and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorized and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location and construction of said plank road, or the construction of toll houses; *Provided*, That no public road which said commissioners of roads and revenue deem expedient to be kept open shall be obstructed thereby; and the said corporation shall also have the power and authority to receive from the municipal authorities of the city of Montgomery the use of any street or streets for the location or construction of said road or toll houses; and the municipal authorities of said city are hereby authorized and empowered to grant said company the right over and the use of any street or streets in said city or town, in such manner and in such direction as the public convenience may permit.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardians or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land, upon such a day, to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to owners, administrators, executors, guard-

ians and trustees, at least five days before such a day, if they be within his county, if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted at the dwelling house, if such there be, or a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks, by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff, or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estates, by reason of making such road through such land. If any such person shall fail to appear, or by reason of challenge or otherwise, shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers, and if they fail to render a verdict, the said sheriff shall again, on the same or on a subsequent day, empanel a new jury or jurors, until a verdict be had. Such verdict and inquest regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said lands may be, and there remain among the records, and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company. And in case of persons absent or unknown as aforesaid, the placing of the amount of said damages to the credit of the owner in the hands of the judge of the county court of Montgomery, shall be deemed and taken as payment, and such judges shall be liable on their bond to make due payment of said money on demand, and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may summon under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as cash. There shall be allowed the following fees to the clerk of the circuit court: For every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's

fees; for holding inquest, five dollars; for summoning witnesses, twenty-five cents each; to jurors seventy-five cents *per diem* each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company; *Provided, however,* That before the application for said writ the said company may make a tender to owner or owners of any such land of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered and the verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owner of the land upon which the inquest is held.

May exact toll.

Rates.

SEC. 8. *Be it further enacted,* That the said company is vested with right and power of demanding and exacting such tolls as may be fixed by said company for the transit of property or persons on said road, for which purpose a rate of tolls shall be established and published at each toll-gate on said road for the information of the public; though it shall not be lawful to charge a greater amount on the articles and animals hereinafter enumerated than the rate hereinafter stipulated: For each horse or mule not in harness, one cent per mile per head; for horse and rider, one cent per mile; for each one-horse pleasure carriage, three and one-half cents per mile; for each loaded cart with one animal, one and one-fourth cents per mile; for each loaded wagon with two animals, three cents per mile; for all wagons with more than two animals, one-half cent per mile for each additional head; empty carts and wagons to be charged at one-half the above rates; each five head of neat cattle, two and a half cents per mile; each ten head of hogs or sheep, two and one-half cents per mile; and said company may erect toll-gates whenever three miles are completed, and the gates erected shall not be less than three miles apart.

Exemptions.

SEC. 9. *Be it further enacted,* That no other plank road for public use shall be constructed within fifteen years after the completion of said road, to run parallel to said road from and beyond the Catoma creek southward, within five miles of the road herein contemplated; *Provided, however,* That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company: First, persons going to and fro from religious meetings, when the distance does

not exceed three miles; second, all persons going to or from any funeral, and all funeral processions; third, persons going to any election of a public nature, at which they are entitled to vote, for the purpose of voting, and returning therefrom the same day, provided the distance does not exceed three miles; fourth, all persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one-half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons or property of other persons; fifth, troops in the actual service of this State or the United States.

SEC. 10. *Be it further enacted*, That any persons falsely representing himself or themselves to any gatherer, as entitled to any of the exemptions mentioned in the preceding sections of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

False personation.

Penalty.

SEC. 11. *Be it further enacted*, That in addition to the powers heretofore conferred by their charter, the said Montgomery Southern Railroad Company are hereby authorized and empowered to construct a railroad from some point within the city of Montgomery to the State line of Florida, in the direction of Saint Andrews Bay, on a line within three miles of Rutledge to Elba, to the State line of Florida.

Additional powers.

Route.

SEC. 12. *Be it further enacted*, That in case it shall so happen that an election for directors shall not be made on the day appointed by the laws of said company, said company shall not be dissolved on that account, but such election may be holden on any other day which shall be appointed by the directors of said company; and if necessary such meeting may be adjourned from day to day until such election can be made; and said directors shall have power to fill any vacancy which may occur in the board by death, resignation, or otherwise.

Failure to elect directors does not dissolve corporation.

Board may fill vacancy.

SEC. 13. *Be it further enacted*, That the said directors shall be chosen annually by the stockholders of said company, and shall hold their offices until their successors are elected, and the directors so elected shall elect a president from among themselves.

Directors chosen annually.

SEC. 14. *Be it further enacted*, That the said president

President and directors may app'nt officers, engineers, and directors may appoint all such officers, engineers, agents and servants, and confer upon them such power and authority as they may deem necessary to carry on the business of said company. They shall fix the compensation to be allowed them, or give authority to do so to the president of the company, and may remove all such officers engineers, agents and servants at their pleasure; and they shall have power to pass all such by-laws, rules and regulations as they may consider necessary for the good government of the corporation, its officers, agents and servants, and for carrying into effect the object of this act; *Provided, only*, That such by-laws and regulations shall not be contrary to the constitution or laws of this State or of the United States.

Additional subscription. SEC. 15. *Be it further enacted*, That the said president and directors may open, at such times and places as they may think proper, books to receive additional subscriptions to the capital stock of said company upon such terms and conditions as they may provide, which capital stock may be added to from time to time until it shall amount to the sum of three millions of dollars.

May require installm'ts on stock. SEC. 16. *Be it further enacted*, That the said president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company at such time as they may think best for the interest of said company, and upon the failure or refusal of any stockholder to pay the installment required on his or her stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving twenty days notice, proceed to sell at public auction the share or shares of said defaulting stockholder, or such part as they may think proper, to the highest bidder, and cause to be transferred on the books of said company the stock so sold to the purchaser; and if, on sale of the shares of stock held by said defaulting stockholder, said stock should be sold for less than the amount due upon the installments which may have been called in, said stockholder shall be liable to pay to said company the deficiency in manner and form hereinafter specified.

In case of default may sell stock.

Transfer.

Stockholder liable for deficiency.

In case of default or deficiency after sale, may proceed against stockholder. SEC. 17. *Be it further enacted*, That upon the failure or refusal of any stockholder to pay any installment called for by the president and directors of said company, or if upon the sale of the stock held by said stock-

holder it shall be sold for less than the amount due upon installments called, then the said president and directors, In what manner. on giving twenty days notice to said defaulting stockholder, may proceed by their attorney to move the circuit court of the county in which said stockholder may reside, for judgment against the stockholder for the amount called for by the said president and directors of said company, or, as the case may be, for any balance or deficiency that may be due to said company on said installments so called for, after the sale of any stock held in said company by said defaulting stockholder; and said court is hereby authorized and empowered, and required to render judgment against said defaulting stockholder at the term of the court at which said motion is made; and all notices required to be given to any defaulting stockholder shall be issued by and in the name Notice; how given. of the company and signed by the secretary of said company, and said notice shall be served by the sheriff or other legal officer of the county in which said stockholder may reside; and said notice shall be executed and returned by said officer to the office of the clerk of the court as in cases of common writs.

SEC. 18. *Be it further enacted*, That said company is hereby authorized to purchase, receive and hold such May purchase and hold property. lands and other property as may be necessary and convenient for accomplishing the object for which this incorporation is chartered, and may, by its agents, surveyors, engineers and servants, enter upon all lands through which they may deem it necessary to make said road, and to survey, locate and contract for lands upon which to construct said road, and upon which to erect their station houses, depots, work shops, buildings and turnouts, and for such other uses and purposes as may be necessary for the operation of said road.

SEC. 19. *Be it further enacted*, That if said company If comp'ny and owner can not agree, clerk of court to issue writ of ad quod damnum. can not agree with the owners of the land through which they may desire the road to pass, or with any person having the authority to grant the right of way, by sale or otherwise, it shall and may be lawful for the clerk of the circuit court of the county in which said lands may lie, on the application of said company or its agents, and he is hereby required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of seven good and lawful men to be upon such lands on a day to be by the sheriff fixed and appointed, and

whereof it shall be his duty to give notice to the owner, or, if he or she be a minor or a lunatic, to his or her guardian, at least five days before such day, if they be within his county, or if not, or if the owners be unknown, non-residents, or absent from the State, this notice shall be given by advertisement, to be by said sheriff posted in some public or conspicuous place in the neighborhood of said land at least ten days before the appointed day, and also by advertisement of the same in some newspaper published nearest the land at least three weeks, by weekly insertions, prior to said day; and then cause said jury, after being duly sworn by a sheriff or a justice of the peace, to make true inquest of the damage that will be sustained by said owner or estate by reason of making such road through such land, and by using so much thereof as may be necessary therefor, not exceeding one hundred feet on each side of the road for the construction of said road through said land, and not exceeding fifteen acres at any one place for such station houses, depots, buildings and turnouts as may be necessary for the benefit of said company. If any juror shall fail to appear, or by reason of challenge, or otherwise, shall fail to appear, the said sheriff shall fill said jury as soon as possible, and if they fail to render a verdict, the said sheriff shall again, on the same, or on some subsequent day, empanel a new jury or jurors, until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said lands lie, and there remain among the records; and such verdict shall vest in said company the right to use such land, timber and stone, granted for the purposes of the said company, on the payment or tender of payment of damages thereon assessed against said company; and in case of persons non-resident or unknown as beforesaid, or upon refusal of said persons to receive the amount, the placing of such damages to the credit of the owner in the hands of the probate judge of the county in which said lands may be, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment.

Payment or
tender of dam-
ages vests title
in company.

Oath of jurors *SEC. 20. Be it further enacted,* That the jurors trying said case shall take the following oath, which oath the sheriff or his deputy acting in said case is hereby authorized to administer: "You and each of you do swear

or affirm, as the case may be, that you will well and truly try the case now pending and submitted to your decision between H. B., complainant, and the Montgomery Southern Railroad Company of Alabama, defendant, and that you will take into consideration the advantages which said owner will derive from the increased value of his land caused by the construction of said road, as well as the injury and damage which may be due to him by the use of the land, timber, stone, &c., for the construction and maintenance of said road; so help you God." *Provided*, That in no case shall the owner of the land be brought in debt. Proviso.

SEC. 21. *Be it further enacted*, That either party may appeal to the next circuit court held after the assessment by application to the clerk of the court within thirty days after such assessment, and upon giving security for the prosecution of such appeal, and in case the appeal is made by the corporation for judgment which may be rendered against it on appeal. Appeal to circuit court allowed.

SEC. 22. *Be it further enacted*, That the trial of such appeal shall be *de novo*, and if the corporation is the appellant, and the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award not exceeding ten per cent. damages if of the opinion that the appeal was taken for delay merely. Trial of appeal de novo.

SEC. 23. *Be it further enacted*, That in case the appeal is not taken by the corporation, and the appellant does not recover more damages than were assessed to him, judgment for costs must be rendered against the appellant; execution may issue against his security. Costs, how taxed.

SEC. 24. *Be it further enacted*, That the work of surveying, locating and constructing said railroad shall in no wise be hindered or delayed on account of the proceedings had under the provisions of the foregoing sections of this act. No delay on account of such proceedings.

SEC. 25. *Be it further enacted*, That in case any person shall willfully injure or obstruct said road or delay the construction thereof, he shall forfeit and pay to said company three times the amount of damages it may have sustained in consequence thereof, to be sued for and recovered in the same manner as required by law for such individuals in like case, and on complaint to any magistrate within whose jurisdiction such offense shall be committed, it shall be the duty of the said mag- Willful injury or obstruction an offense.
Penalty.

istrate to bind the person or persons so offending, with
 How recovered sufficient security, for his or their good behavior for a
 period of not less than one year, and such offender shall
 in addition be subject to all the penalties now provided
 by law for such offenses.

SEC. 26. *Be it further enacted*, That whenever it shall
 be necessary for the construction of said road to inter-
 sect or cross any stream of water or water-course,
 whether navigable or not, it shall be lawful for said com-
 May construct pany to construct across said stream bridges, which,
 bridges. if upon navigable streams, shall be with draws of suffi-
 cient width to admit the safe passage of steam or other
 vessels navigating said stream, to be built upon such
 plan as will allow the passage safely of steam or other
 vessels by, around or under such bridges; *And provided*,
 Must keep That said company shall keep at all times, day and
 watchmen at night, proper watchmen to avoid delay in the passage
 such bridges. of such steam or other vessels as may navigate said
 stream.

SEC. 27. *Be it further enacted*, That if it shall be nec-
 essary for said company to continue the railroad across
 May change or upon any public road or highway, or in case such
 roads or high-ways to pro- public road or highway is so located that said road can-
 cure best site. not be judiciously laid out and constructed across or
 upon the same without interfering therewith, in such
 case or cases said corporation may, by their engineers,
 cause such road or highway to be changed or altered in
 such manner that said railroad may be made on the
 best site of ground for that purpose; *Provided*, That
 Proviso. said road or highway shall be put by said corporation
 in as good repairs as it was at the time of altering or
 changing the same.

SEC. 28. *Be it further enacted*, That the president and
 directors of said company shall be and they are hereby
 May borrow money and is- authorized and empowered to borrow money to carry
 sue notes, into effect the object of this act, to issue notes, bonds or
 bonds, &c. other obligations for the payment of the same, in such
 form and payable at such times and places, and bearing
 such rates of interest as they may prescribe, and the
 said president and directors are hereby invested with
 full authority and power to mortgage their road and
 property and the franchise of said company to secure
 the payment of the same by deed of trust or otherwise,
 May sell or hy- and they have full power to hypothecate, sell or other-
 pothecate them wise dispose of the promissory notes, bonds or other

obligations of any person or persons, or of any corporation, and if necessary to guarantee the payment of the same by endorsement or otherwise.

SEC. 29. *Be it further enacted*, That after the completion of any part of said road, the said Montgomery Southern Railroad Company may levy and collect tolls on and from all persons and for all property, merchandise and other commodity transported thereon, and said company may contract for the transportation of the mail and for the exclusive right to use their passenger train for expressing goods, wares, merchandise and money. May levy and collect tolls.
Carry mail.

SEC. 30. *Be it further enacted*, That all the hands belonging to or employed by said company on their road, works or engines, are hereby declared to be exempt from road duty in the several counties through which said road may run. Exempt from road duty.

Approved March 20, 1875.

No. 324.]

AN ACT

To authorize the Monte Sano Turnpike Company to sell, mortgage or otherwise dispose of their road, works, property and franchises of every nature.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the association known as the Monte Sano Turnpike Company be and the same is hereby authorized to mortgage, sell or otherwise dispose of its road, works, property and franchises of every nature. Authorized to mortgage or sell its property or franchises

Approved February 17, 1875.

No. 325.]

AN ACT

To amend the third section of "An act to amend the charter of the Shelby County Iron Manufacturing Company," approved November 20, 1862.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act of said State entitled "An act to

amend the charter of the Shelby County Iron Manufacturing Company," approved November 20, 1862, be amended in the third section thereof as hereinafter set forth, which said third section of said act is in the words following, to-wit :

Section recited "Sec. 3. Be it further enacted, That said company shall have the right, in such manner and at such time or times as they may deem proper, to elect out of their number a board of directors, to consist of such number as the company may prescribe, to be increased or diminished at the pleasure of the company; said board, when elected, shall have the right to elect one of their number president of the board and of the company, the term of whose office will be commensurate with that of the directors electing him. Said board (subject always to the control of the company acting in meeting) shall have the supervision and management of the business and affairs of the company, with power to elect or appoint all officers of the company in addition to the president, and to define and prescribe their qualifications and duties, and to make and alter at pleasure all rules, regulations and by-laws deemed proper and needful not inconsistent with the constitution and laws of this State or of the Confederate States,"—be amended by substituting therefor the section next following, to-wit :

Amendment. SEC. 3. *Be it further enacted*, That said company shall have the right to elect out of their stockholders, at such time or times as they may deem proper, and appoint, at their principal place of business in the county of Shelby, a board of directors to consist of seven, but this number may be increased or diminished at the pleasure of the company; said board, when elected, shall continue in office for one year, or until the election of their successors. They shall elect one of their number president of the board of directors and company, whose term of office shall be commensurate with that of the board electing him; and shall have power to fill all vacancies that may occur in their body or in the office of president; said board (subject always to the control of the stockholders in convention) shall have power to manage and control the property and business and affairs of the company, and to elect or appoint all officers and agents of the company, and to prescribe their duties and qualifications. The said company, acting in convention or by its board of directors, shall have power

May appoint a board of directors to consist of seven.

Serve 1 year.

Elect president

Shall fill vacancies.

Powers of board.

to make and establish and repeal and alter at pleasure all needful and proper by-laws, rules and regulations not inconsistent with the constitution and laws of the United States; and a majority of the directors, including the president, shall constitute a quorum of the board of directors for all purposes. The said company is also hereby authorized and invested with the privilege under its franchise to associate with itself, on such lawful terms and conditions as may be determined and agreed on with such person or persons as the said company or its board of directors may deem proper, for the formation of a company or association distinct from its present manufacturing establishment, on its lands, at or in the vicinity of its present works, for the manufacturing and vending of railroad cars and car wheels, and all things pertaining thereto, and such other manufactures as said corporation is by its franchise authorized to engage in and carry on. The said company is also hereby authorized and empowered to lease and carry on any works other than those owned by it for the production or manufacture of iron in this State, as may be agreed on with the owner or owners of such works; and may lease any iron mine and coal mine or deposits, and work the same and use the products thereof as it is authorized to work and use the products of iron and coal mines and deposits of those minerals owned by said company. The said third section, as now existing in said act, is hereby repealed, and the amendment thereof hereby enacted shall be substituted for and stand in the place of said repealed section.

By-laws.

Quorum.

May associate other persons.

For what purpose.

May lease other works than those owned by it and other mines.

Approved February 10, 1875.

No. 326.]

AN ACT

To amend sections two and four of an act entitled "An act to incorporate the Alabama Oil and Mining Company."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two of the above recited act, which reads as follows, to-wit:

"Sec. 2. Be it further enacted, That the capital stock

Sec. 2 of said act recited. of said oil company or corporation shall be five hundred thousand dollars, and the number of shares shall be five thousand of one hundred dollars each, and the said incorporation may increase the amount of capital stock to one million of dollars and number of shares to ten thousand; *Provided, nevertheless,* That the rules adopted shall be uniform, equally securing the rights of each stockholder,"—be and the same is hereby amended to read as follows, to-wit:

Amendment. That the capital stock shall not be less than fifty thousand dollars, with the privilege of increasing the same as the business and property of the company shall increase or be developed.

SEC. 2. *Be it further enacted,* That section four of the above recited act, which reads as follows, to-wit:

Sec. 4 of said act recited. "Sec. 4. *Be it further enacted,* That if the officers be not elected on the day appointed by the by-laws, the corporation shall not for that cause be dissolved, but those in office shall hold until their successors shall have been elected,"—be and the same is hereby amended to read as follows, to-wit:

Amendment. That if the officers be not elected on the day appointed by the by-laws, the corporation shall not for that cause be dissolved, but those in office shall hold until their successors have been elected; and a majority of the stockholders in value may call a meeting of the stockholders by giving ten days notice thereof in some newspaper published in Montgomery, Alabama, and authority is hereby given to the stockholders by resolution to change the name of said corporation, and upon the adoption of said resolution said corporation shall be known and called by the name thus adopted, and the said corporation is hereby authorized and empowered to borrow money for the purposes of this act, and to issue notes, bonds or other obligations, and to mortgage its property to secure the payment of the same.

Approved February 10, 1875.

No. 327.]

AN ACT

To amend section one of an act entitled "An act to amend section one of the charter of the Elyton Land Company, in Jefferson county, incorporated under the general laws of the State."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of "An act to amend section one of the charter of the Elyton Land Company, in Jefferson county, Alabama, incorporated under the general laws of this State," enacted on the 19th day of April, 1873, which reads as follows, to-wit:

"Section 1. That said Elyton Land Company be and are hereby authorized to contract for and hold property and water works for the use of the city of Birmingham and for the lands and property of said Elyton Land Company, and said Elyton Land Company are hereby fully authorized to engage in such other works of improvement, not already authorized by the charter, as the stockholders of the said Elyton Land Company may unanimously vote for; *Provided,* That the construction of water works having already been acted on by said stockholders, shall not require a unanimous vote in any matter whatever appertaining to the construction, enlargement or management of said water works,"—be so amended as to read as follows, to-wit:

Sec. 1. That said Elyton Land Company be and they are hereby authorized to contract for and hold property and water works for the use of the city of Birmingham and for the lands and property of the said Elyton Land Company; and the said Elyton Land Company are hereby fully authorized to engage in such other works of improvement, not already authorized by its charter, as said stockholders of the said Elyton Land Company may unanimously vote for; *Provided,* That the construction of water works having been already acted on by said stockholders shall not require a unanimous vote in any matter whatever appertaining to the construction, enlargement or management of said water works.

SEC. 2. *Be it further enacted,* That said Elyton Land Company having constructed water works and other improvements appertaining thereto, and having incurred an indebtedness thereby, and being otherwise indebted, and such indebtedness being still unpaid, outstanding

and matured or running to maturity, the said Elyton Land Company are hereby authorized and empowered to borrow money on the credit of the corporation, not exceeding the sum of eighty thousand dollars, to pay off and discharge said indebtedness; and to that end the said corporation are authorized and empowered to pledge any or all its property, real and personal; and are authorized and empowered, through and by their legally constituted agent, to issue bonds to the amount of eighty thousand dollars, in such denominations as may be determined upon by the corporation, to run for a term not to exceed ten years, and to bear interest at the rate of not more than eight (8) per cent. per annum, with coupons attached, and to secure such bonds by mortgage upon any or all of the real estate and personal property of the company, and to sell said bonds by and through its duly authorized agents.

Approved February 19, 1875.

No. 328.]

AN ACT

To authorize the Elyton Land Company, incorporated under the general laws of this State, to borrow money by the issue and sale of its bonds, secured by pledge or mortgage of its property.

May borrow
money.

And pledge
property.

And issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That said Elyton Land Company, having constructed water works and other improvements appertaining thereto, and having incurred an indebtedness thereby, and being otherwise indebted, and such indebtedness being still unpaid, outstanding and matured, or running to maturity, the said Elyton Land Company are hereby authorized and empowered to borrow money on the credit of the corporation, not exceeding the sum of eighty thousand dollars, to pay off and discharge said indebtedness; and to that end the said corporation are authorized and empowered to pledge any or all its property, real and personal; and are authorized and empowered, through and by their legally constituted agents, to issue bonds to the amount of eighty thousand dollars, in such denominations as may be determined upon by the corporation, to run for a term, not to exceed ten

years, and to bear interest at the rate of not more than eight (8) per cent. per annum, with coupons attached, and to secure such bonds by mortgage upon any or all of the real estate and personal property of the company, and to sell said bonds by and through its duly authorized agents. Rate of interest.

Approved March 17, 1875.

No. 329.]

AN ACT

To amend the ninth section of an act entitled "An act to incorporate the Battle House Company of Mobile," approved December 16, 1851.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the ninth section of the act to incorporate the Battle House Company of Mobile, approved December 16, 1851, which reads as follows, viz: "Sec. 9. Be it further enacted, That a majority of the directors, for the time being, shall form a quorum for the transaction of business. They shall have power to borrow money for the purposes of aiding in the building and furnishing said hotel; to make all such by-laws, rules and regulations touching the interest and management of the business of said company as they may deem expedient,"—be so amended as to read as follows, viz: Sec. 9 of act of Dec. 16, 1851, recited.

Sec. 9. Be it further enacted, That a majority of the directors for the time being shall form a quorum for the transaction of business. They shall have power to borrow money for the payment of any existing debts, or for any other uses or purposes of said company, and to secure the payment of the same by mortgages, deeds of trust or other liens on the whole or any part of the property of the company; to make all such by-laws, rules and regulations touching the interest and management of the business of said company as they deem expedient. Amendment.

SEC. 2. *Be it further enacted,* That the said section nine of said act, approved December 16, 1851, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved December 9, 1874.

No. 330.]

AN ACT

To amend and enlarge the corporate powers of the Birmingham Chair Manufacturing Company, a corporation incorporated under the general laws of the State.

Section recited

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the corporate powers conferred on the said Birmingham Chair Manufacturing Company by section 1767, sub-division 4, of the Revised Code, in the following words, to-wit: "To hold, purchase, dispose of, and convey, such real and personal estate as is limited by its charter, and if not limited, such an amount as the business of the corporation requires," said section, as to said corporation, be and the same is hereby amended and enlarged so as to read as follows, to-wit: The said "Birmingham Chair Company" as such, has power to hold, own, purchase, dispose of and convey such real and personal estate and assets, as it now owns, or may hereafter acquire, in such manner as the president and board of directors of said Birmingham Chair Manufacturing Company may deem for the best interest of said company. And the said president and board of directors may lease, mortgage or sell and convey any and all of the property and assets of said corporation, to pay and discharge or extend any or all of the indebtedness of the corporation; and to assign, set over and transfer the charter and charter powers of said corporation to any successor or successors desiring to purchase or to carry on the chair manufacturing business.

Approved February 13, 1875.

No. 331.]

AN ACT

To extend the rights and privileges of the Gas Light Company of Selma, until the year nineteen hundred and three.

Charter extended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all the rights, privileges and benefits of the Gas Light Company of Selma, as a corporation incorporated under and by virtue of an act entitled an act

to incorporate the Gas Light Company of Selma, approved February the eighteenth, eighteen hundred and fifty-four, and an amendment thereto, approved February the twenty-fourth, eighteen hundred and sixty, be and the same are hereby extended from and after the expiration of the same as now privileged under the present charter of said company until the first day of May, in the year of our Lord nineteen hundred and three. Until May 1st, 1903.

Approved December 14, 1874.

No. 332.]

AN ACT

To amend an act to incorporate the Selma Chamber of Commerce, approved December seventh, one thousand eight hundred and sixty-one.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of an act entitled "an act to incorporate the Selma Chamber of Commerce," in the following words, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Charles Lewis, C. E. Thames, J. R. John, T. W. Street, N. Waller, C. B. White, J. B. Harrison, J. L. Perkins, W. M. Byrd, T. N. Cunningham, T. C. Daniel, J. T. Hunter, W. A. Dunklin, H. H. Ware, J. C. Graham, W. J. Lyles, D. R. Purviance, J. N. McClure, W. S. Knox, M. J. A. Keith, J. E. Prestridge, Geo. O. Baker, J. M. Lapsley, P. J. Weaver, A. T. Wise, M. J. Williams, W. T. Lundie, A. E. Baker, J. W. Blandin, J. D. Porter, Dent Lamar, J. W. Lapsley, H. H. Bender, B. J. Duncan, W. B. Haralson, W. B. Milton, A. T. Jones, John Robbins, F. S. Becton, W. R. Ditmars, A. Bogle, E. Cason, S. T. Hobbs, R. C. Goodrich, Jno. M. Parkman, J. A. Sylvester, A. J. Goodman, G. W. Wilson, T. A. Hall, W. Johnson, N. Smith, Merritt Burns, A. L. Haden, R. Hagood, W. P. Brown, W. B. Gill, W. R. Bill, and their successors in office, be and they are hereby created a body corporate and politic, by the name of the 'Selma Chamber of Commerce,' and by that name shall have continual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, and purchase and hold such property, real and personal, as

Section recited

Amendment.

Name changed
to "Selma
board of trade"

may be needful for their lawful purposes, and alien the same, the purposes and business of said company being hereby declared to be to form and maintain a chamber of commerce in the city of Selma, in this State, do and perform all proper acts and business in relation to the regulation of commerce in said city, and to the adjustment of all difficulties arising in trade or business between merchants and traders in said city, and such other proper and lawful business and acts as usually pertain to chambers of commerce in cities," be so amended as to read as follows: Be it enacted by the General Assembly of Alabama, That Charles Lewis, C. E. Thames, J. R. John, T. W. Street, N. Waller, C. B. White, J. B. Harrison, J. L. Perkins, W. M. Byrd, T. N. Cunningham, T. C. Daniel, J. T. Hunter, W. A. Dunklin, H. H. Ware, J. C. Graham, W. J. Lyles, D. R. Purviance, J. N. McClure, W. S. Knox, M. J. A. Keith, J. E. Prestridge, Geo. O. Baker, J. M. Lapsley, P. J. Weaver, A. F. Wise, M. J. Williams, W. T. Lundie, A. E. Baker, J. W. Blandin, J. D. Porter, Dent Lamar, J. W. Lapsley, H. H. Bender, B. J. Duncan, W. B. Haralson, W. B. Milton, A. T. Jones, John Robbins, F. S. Becton, W. R. Ditmars, A. Bogle, E. Cason, S. F. Hobbs, R. C. Goodrich, Jno. M. Parkman, J. A. Sylvester, A. J. Goodman, G. W. Wilson, T. A. Hall, W. Johnson, N. Smith, Merritt Burns, A. E. Haden, R. Hagood, W. P. Brown, W. B. Gill, W. R. Bill, and their successors in office, be and they are hereby created a body corporate and politic by the name of the "Selma Board of Trade," and by that name shall have continual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, and purchase and hold such property, real and personal, as may be needful for their lawful purposes, and alien the same, the purposes and business of said company being hereby declared to be to form and maintain a "board of trade" in the city of Selma, in this State, do and perform all proper acts and business in relation to the regulation of commerce in said city, and to the adjustment of all difficulties arising in trade or business between merchants and traders in said city, and such other proper and lawful business and acts as usually pertain to "boards of trade" in cities.

Approved December 11, 1874.

No. 333.]

AN ACT

To amend "An act to incorporate the Montgomery Race Course Association."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to incorporate the Montgomery race course association," approved January 30, 1860, which reads as follows: "Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Cornelius Robinson, Edward A. Semple, F. W. Hunter, Samuel Arrington, James R. Powell, J. J. Hooper, Albert Elmore, H. P. Watson, James H. Weaver, J. J. Seibels, Bartlett C. Jones and Samuel G. Hardaway, and their associates and successors of the Montgomery race course association, be and are hereby declared and constituted a body corporate, by the name and style of the "Montgomery Race Course Association," and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity, and may have and use a common seal, and the same alter and amend at pleasure. Act recited.

"Sec. 2. *Be it further enacted,* That said association, in its corporate capacity, may have and hold real and personal property to the amount of one hundred thousand dollars, and improve the same in such manner as may suit the interest and convenience of the association and that the stock thereof shall be divided into shares of fifty dollars each, for which certificates may issue, and which shall be transferable in such mode and manner as the association may by its laws direct.

"Sec. 3. *Be it further enacted,* That the members of said association and body corporate may elect officers and board of directors for its management and government, in the choice whereof each share of fifty dollars shall entitle the *bona fide* holder thereof to one vote; and that said association and body corporate may adopt such constitution and enact such rules and by-laws for its government as the members may think proper; *Provided,* They are not contrary to the constitution or laws of the State of Alabama,"—be and the same is hereby amended so as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Cornelius Robinson, Edward A. Semple, Amendment.

F. W. Hunter, Samuel Arrington, James R. Powell, J. J. Hooper, Albert Elmore, H. P. Watson, James H. Weaver, J. J. Seibels, Bartlett C. Jones, Samuel G. Hardaway, and their associates and successors, be and are hereby declared and constituted a body corporate, by the name and style of the "Alabama State Fair Association," and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity, and may have and use a common seal, and the same alter and amend at pleasure.

Name changed the name and style of the "Alabama State Fair Association," and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity, and may have and use a common seal, and the same alter and amend at pleasure.

Powers. the name and style of the "Alabama State Fair Association," and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity, and may have and use a common seal, and the same alter and amend at pleasure.

Hold real and personal property. SEC. 2. *Be it further enacted,* That said association, in its corporate capacity, may have and hold real and personal property to the amount of one hundred thousand dollars, and improve the same in such manner as may suit the interest and convenience of the association; and that the stock thereof shall be divided into shares of one hundred dollars each, for which certificates may issue, and which shall be transferable in such mode and manner as the association may by its laws direct.

Shares. SEC. 2. *Be it further enacted,* That said association, in its corporate capacity, may have and hold real and personal property to the amount of one hundred thousand dollars, and improve the same in such manner as may suit the interest and convenience of the association; and that the stock thereof shall be divided into shares of one hundred dollars each, for which certificates may issue, and which shall be transferable in such mode and manner as the association may by its laws direct.

Officers and directors. SEC. 3. *Be it further enacted,* That the members of said association and body corporate may elect officers and a board of directors for its management and government, in the choice whereof each share of one hundred dollars shall entitle the *bona fide* holder thereof to one vote; and that said association and body corporate may adopt such constitution and enact such rules and by-laws for its government as the members may think proper; *Provided,* They are not contrary to the constitution or laws of the State of Alabama.

Constitution and by-laws. SEC. 3. *Be it further enacted,* That the members of said association and body corporate may elect officers and a board of directors for its management and government, in the choice whereof each share of one hundred dollars shall entitle the *bona fide* holder thereof to one vote; and that said association and body corporate may adopt such constitution and enact such rules and by-laws for its government as the members may think proper; *Provided,* They are not contrary to the constitution or laws of the State of Alabama.

May hold fairs and award premiums SEC. 4. *Be it further enacted,* That said association shall have the power to hold fairs and award premiums, and to adopt rules and regulations for the management of such fairs; and if such fairs be held within three miles of the corporate limits of any incorporated city in this State, the authorities of such city shall have power to preserve the peace and order at such fairs, and to pass ordinances and use the police force of such city for that purpose.

Order preserved. SEC. 4. *Be it further enacted,* That said association shall have the power to hold fairs and award premiums, and to adopt rules and regulations for the management of such fairs; and if such fairs be held within three miles of the corporate limits of any incorporated city in this State, the authorities of such city shall have power to preserve the peace and order at such fairs, and to pass ordinances and use the police force of such city for that purpose.

Approved February 23, 1875.

No. 334.]

AN ACT

In relation to the Selma Exposition, the Agricultural, Mechanical and Horticultural Association of Mobile, and the Alabama State Fair Association of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whereas, R. M. Nelson, George O. Baker, Prelate D. Baker, and others, did, on the 24th day of June, 1873, become a body corporate under the laws of the State of Alabama, under the name of the "Selma Exposition," by filing their declaration in the office of the probate court of Dallas county, which was duly recorded in book "Q. Q." of deeds, at pages 371, 372, 373, 374 and 375 in said court; and whereas, said corporation has purchased lands and improved the same for the purpose of holding fairs and exhibitions, and thereby developing the agricultural and mechanical products of the State; therefore—

SEC. 2. *Be it further enacted,* That the said Selma Exposition shall have authority to increase their capital stock to one hundred thousand dollars, and all persons who now are or may become stockholders in said corporation shall be liable for any debts of the same to the amount of the unpaid balances on their stock or subscriptions to the same.

SEC. 3. *Be it further enacted,* That the said corporation shall be and they are hereby exempted from the payment of any and all State, county, municipal and other taxes and licenses upon the property used by them in holding their fairs and expositions; and no person shall be required to pay any license for vending agricultural products, machinery, or any other articles usually exhibited or sold at fairs, during the time of such fairs or exhibitions, upon the grounds of such corporation.

SEC. 4. *Be it further enacted,* That the managers of such corporation shall be and they are hereby authorized to preserve order, and for that purpose may appoint special policemen, by and with the consent of the mayor of the city of Selma; and all persons arrested by said policemen shall be tried before the said mayor, and if found guilty of any misdemeanor under the by-laws or ordinances of the city of Selma, shall be punished as therein

provided as though the said offenses had been committed in said city.

May distribute
premiums.

SEC. 5. *Be it further enacted*, That said corporation shall have authority to distribute premiums to exhibitors at its public fairs or exhibitions, according to the merit of the articles so exhibited, and to use all proper means, not inconsistent with the laws of this State and of the United States, to develop and improve the agricultural and mechanical pursuits of this State; *Provided*, If there be more than one exhibitor of articles of equal merit, the premium may be awarded among the said exhibitors by lot.

Limitation.

SEC. 6. *Be it further enacted*, That the provisions of this act shall only remain in force so long as said corporation shall in good faith continue to carry out the objects of its creation, as shown in the declaration filed in the said probate court. The privileges of this act are also hereby extended to the Agricultural, Mechanical and Horticultural Association of Mobile, and the Alabama State Fair Association of Montgomery.

Applied to oth-
er associations

Approved February 27, 1875.

No. 335.]

AN ACT

To authorize the board of directors of the Huntsville Agricultural and Mechanical Association, and the Agricultural and Mechanical Association of Wilcox county, to rent the booths, stalls, and grounds of their associations for certain purposes.

Booths, &c.,
may be rented,
and renters ex-
empt from tax
or license.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the boards of directors of the Huntsville Agricultural and Mechanical Association, and the Agricultural and Mechanical Association of Wilcox county, are hereby authorized to rent, during the period of their regular fairs, the booths, stalls, and grounds of their associations for the purpose of selling fruits, confectioneries, soda water, lager beer, and other refreshments or amusements, and the person or persons so renting said booths, stalls or grounds shall not be required to pay any State, county or city tax or license for such privilege; *Provided*, That this act shall not authorize said boards of directors to rent the booths, stalls or grounds

Proviso.

of said associations for the purpose of selling, by retail or wholesale, vinous or spirituous liquors, or for the purpose of carrying on any lottery, faro table, or keno, or any game of chance, or device for the same.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 6, 1875.

No. 336.]

AN ACT

To amend the charter of the Alabama Insurance Company.

“SECTION 1. *Be it enacted by the Senate and House of* Act recited.
Representatives in General Assembly convened, That Lov-
 ick P. Butler, Henry Holmes, Willis R. Calloway, Wil-
 liam R. Wescott and Smith Cullom, and such others as Corporators.
 may be associated with them for that purpose, and their
 successors, are hereby created a body politic and corpo-
 rate, by the name of the Alabama Insurance Company,
 and by that name shall be capable of suing and being
 sued in all the courts of this State, of purchasing, hold-
 ing and conveying property of all descriptions, to make,
 have and use a common seal, and the same alter and re-
 new at pleasure, and generally to do any act necessary
 to carry into effect the object of the corporation not in-
 consistent with the laws and constitution of this State
 or of the United States.

“SEC. 2. *Be it further enacted*, That the capital stock
 of this corporation shall be one hundred thousand dol- Stock.
 lars, to be divided into shares of one hundred dollars
 each, and the same to be paid in the manner following:
 Ten dollars on each share at the time of subscription
 and the residue when the president and directors of the
 corporation may direct; which capital stock may here-
 after be increased to any amount not exceeding three
 hundred thousand dollars, in such manner as the presi-
 dent and directors may determine; the said stock shall
 be deemed and held as personal property, and if any
 stockholder shall neglect and refuse to make the pay-
 ments as required his stock may be sold by order of the
 president and directors, and such stockholders shall be

liable for the balance due by him as stockholder to the corporation as it becomes due, and may be sued in the circuit court of Montgomery county for the same.

Books open.

“SEC. 3. *Be it further enacted*, That the books of subscription shall be opened at any time prior to the first day of May next, at such place in the city of Montgomery as a majority of the persons named in the first section of this act may direct, advertisement of the time and place of opening such books to be made for one week in a newspaper published in Montgomery, which books shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for, and the said persons, or a majority of them, shall, as soon as may be after the books for subscription are closed, call a meeting of the stockholders, who shall proceed to the election of not less than five, not more than nine directors, as may be determined by them; and the said directors shall elect one of their own number president, and the said president and directors elected in pursuance of this act shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, provide for the taking of bonds from them for the security of the corporation for the faithful performance of their duties, and they shall also have the power to fill any vacancy which may occur in their own body, and also to appoint a president *pro tempore* when the president may be absent from their meeting, and if the president or any director shall be absent without leave for five successive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent president or director.

Officers.

Election.

“SEC. 4. *Be it further enacted*, That the directors of the corporation shall be elected by the stockholders, and the president by the directors from among their own number, and when elected they shall hold their offices for one year, or until their successors are elected, and it shall be the duty of the president and directors to call an annual meeting of the stockholders to make such election, and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and such stockholders shall be allowed one vote for each share of stock he holds, and the stock may be represented either in person, by the stockholders or

by proxy, and the power to vote by absent stockholders may be constituted by written expression of the stockholder so appointed a proxy to vote for him; *Provided*, That no one not himself a stockholder shall be capable of acting as proxy for another.

“SEC. 5. *Be it further enacted*, That said corporation shall have full power to make insurance upon ships and other sea vessels, and upon steamboats and all other river boats and craft of every kind, and on all goods, wares and merchandise, slaves, bullion, money and other property against all maritime or river risks, and upon houses, stores and other buildings, goods, wares and merchandise of every description against fire, and to fix a premium thereon, to receive from any free person or persons deposits on trust, and to accept all such trusts as may be confided to it; to borrow money and issue its bonds therefor; it may loan its money or other property to any person on any security which it may think proper; *Provided*, That nothing in this act shall be so construed as to authorize said corporation to make any notes to circulate as bank notes, or to issue any securities to be circulated in the community as money; *And provided, also*, That the laws against usury apply to this corporation. Insurance.

“SEC. 6. *Be it further enacted*, That the president and directors of said corporation shall have power to fix the place and mode of transfer of certificates of any stock, as well as the payment of interest and dividends; that a majority of the president and directors shall constitute a quorum, and that said president and directors shall also have power to pass all such by-laws as may be necessary to carry this act into effect, and to execute and authorize the execution of all such bargains and contracts as may seem to them best for the interests of the corporation. Certificates.

“SEC. 7. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property, and the stockholders to the extent of the amount of their respective stocks not paid up.

“SEC. 8. *Be it further enacted*, That this charter and all the privileges and powers herein granted shall continue in force for the full term of ten years from the subscription of the stock, and that the property, funds and business transactions of the corporation shall be subject to the same rate of taxation imposed by law on Ten years.

the property and similar business transactions of other insurance companies chartered by this State.

"SEC. 9. *Be it further enacted*, That all bonds, bills and promissory notes made payable at the office of the Alabama Insurance Company shall have the same legal effect and be subject to the same legal remedies as if the same were made payable in or at a bank or banks of this State.

Agencies.

"SEC. 10. *Be it further enacted*, That all public laws now in force, or which may hereafter be passed, prohibiting or regulating agencies for foreign banks, or in relation to the circulation of the issues of foreign banks or companies as money, shall operate upon and apply to the corporation hereby created, and that said insurance company shall not act as the agent of any bank or other company incorporated by or located in another State in carrying on the business of banking in this State, and shall not borrow or obtain from any such bank or company any bank notes, money or credits, and use the same in this State in lending out the same, or in discounting notes, or in dealing in exchange.

"SEC. 11. *Be it further enacted*, That the president or secretary of said company hereby incorporated must, on the second Monday of January in each year, make out, under oath, a statement of the condition of said company, showing the amount and character of its assets, and also of its liabilities on the first day of January in the same year, and shall publish such statement, so verified, in some newspaper of general circulation published in the city of Montgomery, and failure to comply herewith, the charter of said company shall be and the same is hereby forfeited," approved February 8, 1858.

Act of Feb. 8
1858, recited.

"No. 171. An act to amend 'An act to charter the Alabama Insurance Company,' approved February 8, 1858. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the first section of an act approved February 8, 1858, to incorporate the Alabama Insurance Company, be amended by striking out the names of Lovick P. Butler, Henry Holmes, Wm. R. Wescott and Smith Cullom, and inserting the names of W. C. Bibb, John F. Smith, E. H. Metcalf, W. H. Rives and R. S. Williams.

"Sec. 2. And be it further enacted, That the third section of said act be so amended as to extend the time

of opening the books of subscription of said company until the first Monday of July, A. D. 1860, and that said Alabama Insurance Company shall be and is hereby authorized to open books of subscription at any time prior to the first day of July, A. D. 1860."

"An act to amend the 8th section of an act entitled 'An act to charter the Alabama Insurance Company,' approved February 8, 1856. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the 8th section of an act entitled 'An act to charter the Alabama Insurance Company,' approved February 8, 1856, which reads as follows, to-wit: 'Sec. 8. Be it further enacted, That this charter and all powers and privileges herein granted shall continue in force for the full term of ten years from the subscription of the stock, and that the property, funds and business transactions of the corporation shall be subject to the same rate of taxation imposed by law on the property of similar business transactions of other insurance companies chartered by this State,'—be and the same is hereby amended by striking out 'ten' where it occurs in said section and inserting 'thirty,'" approved February 21, 1866."

8th sec. of act
of Feb. 6, 1856,
recited.

"A bill to be entitled an act to amend section five of 'An act to incorporate the Alabama Insurance Company,' approved February 8, 1856, by General Assembly of Alabama. Be it enacted by the General Assembly of Alabama, That the 5th section of said act, which reads as follows: 'Be it further enacted, That said corporation shall have full power to make insurance upon ships and other sea vessels, and upon steamboats and all other river boats and craft of every kind, and all goods, wares and merchandise, slaves, bullion money and other property against all maritime or river risks, and upon houses, stores and other buildings, goods, wares and merchandise of every description against fire, and to fix a premium thereon, to receive from any free person or persons deposits on trust, and to accept all such trusts as may be confided to it, to borrow money and issue its bonds therefor; it may loan its money or other property to any persons on any security which it may think proper; *Provided*, That nothing in this act shall be so construed as to authorize said corporation to make notes to circulate as bank notes, or to issue any securities to

5th sec. of said
act recited.

Amendment.

be circulated as money in the community; *And provided, also,* That the laws against usury apply to this corporation,'"—be and the same is hereby amended by adding thereto—And shall have power to purchase real estate, material and machinery and erect their own manufactories of leather, cotton and iron, and to manufacture each or any of said articles, and to carry on the business of the same under the provisions of this charter; and further to amend the caption of said act, which reads as follows: "An act to Charter the Alabama Insurance Company," and insert the words "and manufacturing" between insurance and company.

Approved February 26, 1875.

No. 337.]

AN ACT

To amend a portion of section one of an act approved August 11, 1868, entitled an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 6th, 1866, so as to enable said Mobile Mutual Insurance Company to reduce its capital stock to one hundred and seventy-five thousand dollars.

Sec. 1 of act of
Aug. 11, 1868,
recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the first section of an act of August 11, 1868, which is as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the thirteenth section of the act entitled An act to incorporate the Mobile Mutual Insurance Company, approved February 6th, 1866, as the same has been amended by a subsequent act, approved February 4th, 1867, which section is in the words and figures following, to-wit: Sec. 13.

Sec. 13 of act
of Feb. 6, 1866,
as amended by
act of Feb. 4,
1867, recited
and repealed.

Be it further enacted, That in the month of June of each year, the president and directors of the company shall make or cause to be made, by the proper officer of the company, an estimate of the profit and losses of the company, and also a statement of all cash paid into the company, for and on account of premiums, for the preceding twelve months, and by whom paid, which statement shall be verified by affidavit, and filed with the papers of the company, for the examination and information of all parties interested, and if it shall appear from

such statement that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend to the stockholders, and they shall not award any return premium to the insurers, but such excess of profits shall be kept by the company as a reserve fund to meet future losses or liabilities. But if it shall appear from such statements that the profits of the company exceed its losses and expenses by more than ten thousand dollars, then the president and directors shall reserve and set apart a portion thereof not less than ten thousand dollars, nor more than one-half of such excess, as they may think proper, to be kept by the company as a reserve fund, and the residue of such excess shall be rateably apportioned, and divided between the several stockholders and insurers according to the amount of stock held by each stockholder, and the amount of premium paid by each insurer, and shall order the proper per centage to be paid to the several insurers as returns premiums, and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively, until the said notes are fully paid; but if any stockholder has paid his stock note in full, his dividend shall be paid in money,"—be and the same is hereby amended by striking out and repealing all of said section after the enacting clause thereof, and inserting and enacting in lieu thereof, the following, to-wit: "That whenever any insurance is affected in said company, or any premium of insurance paid, the company may allow or pay to the person insured such commission or returns premium as may be prescribed or agreed on at that time, and a person to whom such allowance or payment is so made shall not be entitled to participate in the profits of the company, nor to receive any other returns premiums hereinafter provided, and those persons who do not receive such allowance or payment shall participate in the profits of the company as hereinafter provided. In the month of July of each year the president and directors of the company shall make or cause to be made by the proper officer of the company, an estimate and statement of the profits and losses of the company, and also a statement of all cash paid into the company, for or on account of premiums, for the preceding twelve months, and by whom paid, and showing upon which of such premiums a commission or returns premiums was allow-

Amendment of
Aug. 11, 1868,
recited.

ed or paid, and upon which not, which statement shall be verified by affidavit and filed with the papers of the company, for the examination and information of all parties interested. And if it shall appear from such statement that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, (the president and directors shall make no dividend, but such excess, if any, shall be kept by the company as a reserve fund. But if it shall appear by such statements that the profits of the company shall exceed its losses and expenses by more than ten thousand dollars), then the president and directors may reserve and set apart a portion thereof, not less than ten thousand dollars nor more than one-half of such excess, as a reserve fund, and the residue of such excess shall be rateably apportioned and divided between the company, the several stockholders, and those insurers entitled to participate in the profits as aforesaid, according to the amount of stock held by each stockholder, and the amount of premiums paid by each insurer, in such manner that each stockholder shall have his rateable share thereof as a dividend, and each such participating insurer, his rateable share thereof, and the company the residue thereof, and shall order the proper per centage to be paid to each such insurer as return premiums, if called for within one year after such order, but if not called for or demanded within that time, such insurer shall not be entitled thereto, but the same shall be forfeited to, and may be retained by the company, and the dividend awarded to stockholders who have not paid for their stock in full shall be returned by the company, and entered as a payment and credit on their stock notes respectively, until said notes are fully paid off. But if any stockholder has paid for his stock in full, his dividend shall be paid in money, and whenever the reserved fund hereby provided for, shall be equal to or exceed in amount the subscribed capital then remaining unpaid, the president and directors may divide the reserved fund, or so much thereof as they may think proper, among the stockholders rateably, and if the stock note given by any stockholder is not fully paid, the dividend accruing to him out of such reserved fund, or so much thereof as may be necessary, shall be retained by the company and applied to the payment of such stock note after the subscribed stock has been fully paid up. The president and

directors may at any time divide any reserve fund among the stockholders; and the president and directors of said company may, at their discretion, reduce the capital stock of said company; *Provided*, That the capital shall not be reduced to a less sum than two hundred thousand dollars, and if any stockholder shall fail to pay any assessment called for on his stock, or to give further security when required so to do, as provided in the fifth section of said act, the company shall have a lien on his stock, and may order his stock to be sold, and may sell the same on reasonable notice, and apply the proceeds of such sale, after deducting the expenses thereof, to the payment of his stock note, and such stockholder shall be held liable for any deficiency remaining after deducting the credit,"—be amended by striking out from said first section the words "two hundred thousand dollars," and inserting in lieu thereof "one hundred and seventy-five thousand dollars," so that the parts of said section amended shall read as follows: And the president and directors of said company may, at their discretion, reduce the capital stock of said company; *Provided*, That the capital stock shall not be reduced to a less sum than one hundred and seventy-five thousand dollars.

Amendment.

Approved February 3, 1875.

No. 338.]

AN ACT

To amend an act entitled an act to incorporate the "Metropolitan Guards," approved February 24, 1860.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one (1) of an act entitled an act to incorporate the "Metropolitan Guards," approved February 24, 1860, which is in the following words and figures: "Section 1. *Be it enacted by the Senate and* Sec. 1 recited. House of Representatives of the State of Alabama, in General Assembly convened, That a volunteer company in the city of Montgomery be and it is hereby incorporated by the name and style of the "Metropolitan Guards," subject to the control of the governor only, and by that name may sue and be sued, plead and be impleaded, buy and sell, and do all other acts which bodies

Amendment.

corporate may of right do and perform,"—be and hereby is amended to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That a volunteer militia company in the city of Montgomery, known as the "Montgomery Greys," now having John Gano Winter as its captain, James N. Gilmer as its first lieutenant and William Englehardt as its second lieutenant, be and the same is hereby incorporated by the name and style of the "Montgomery Greys," and shall be subject to the control of the governor only, and by that name may sue and be sued, plead and be impleaded, buy and sell and hold such real and personal property as may be necessary and convenient for its proper existence, and do all other acts which bodies corporate may of right do and perform.

Sec. 2 recited.

SEC. 2. *Be it further enacted*, That section two of said act, which is in the following words and figures:

Amendment.

"Sec. 2. And be it further enacted, That the said "Metropolitan Guards" are hereby authorized to adopt any constitution and by-laws for their own government, not repugnant to the laws of this State or the United States, which shall be obligatory on the members of said company until repealed,"—be and the same is hereby amended so as to read as follows: Sec. 2. And be it further enacted, That the said Montgomery Greys are hereby authorized and empowered to adopt any constitution and by-laws for their own government that they may deem proper, not repugnant to the laws of this State or the United States, which constitution and by-laws shall be obligatory upon and bind the members of said company until the same are repealed.

Sec. 3 recited.

SEC. 3. *And be it further enacted*, That section three of said act, which is in words and figures as follows: "Sec.

Amendment.

3. And be it further enacted, That said company shall not consist of less than thirty regular members,"—be and the same is hereby amended so as to read as follows: Sec. 3. And be it further enacted, That the said company shall not consist of less than forty members, including non-commissioned officers and privates, and if the membership of said company shall fall below such number, this charter may be vacated.

Sec. 4 recited.

SEC. 4. *And be it further enacted*, That section four of said act, which is in words and figures as follows: "Sec.

4. And be it further enacted, That the members be exempt from road and jury duty, and from military duty,

except as provided in this bill,"—be and is hereby amended so as to read as follows: Sec. 4. And be it ^{Amendment.} further enacted, That the said Montgomery Greys are hereby authorized to make any agreement that they may deem proper and advisable, with the authorities of the city of Montgomery, whereby said company may perform such duties as may be stipulated *as fire police*, and the members of the said "Montgomery Greys" shall be and hereby are declared to be exempt from the performance of road and jury duty, and the certificate of the commanding officer of said company that the bearer is a member of said company, shall be taken as evidence that the bearer thereof is a member of said company, and shall entitle him to the benefits of the exemptions provided in this section.

SEC. 5. *And be it further enacted*, That section five of said act, which is in words and figures as follows: "Sec. 5. And be it further enacted, That a certificate from the ^{Sec. 5 recited.} commanding officer of said company that the bearer thereof has been and is an acting member of said company in complete uniform, shall entitle the said member to the exemptions heretofore enumerated,"—be and the same is hereby amended to read as follows: Sec. 5. And ^{Amendment.} be it further enacted, That the said company may adopt such dress and fatigue uniform as they may deem proper, and shall file in the office of the adjutant general of the State and the sheriff of Montgomery county, by the first day of February in each year after the passage of this act, a complete muster-roll of said company, and said company shall, in all respects, be governed by the general laws relative to the militia of this State, except as otherwise herein provided.

SEC. 6. *Be it further enacted*, That the original sections of which this act is amendatory are hereby ^{Repeal.} repealed.

Approved February 19, 1875.

No. 339.]

AN ACT

To amend an act entitled "An act to incorporate the Southern Military Academy," approved February 3, 1860, and to amend an amendment thereof, approved December 9, 1861.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections one and two of an act entitled "An act to incorporate the Southern Military Academy," approved February 3, 1860, which are as follows, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a military academy be and the same is hereby established, to be located in the vicinity of Wetumpka, which said school shall be known and distinguished as the Southern Military Academy. Sec. 2. Be it further enacted, That Edward S. Ready, R. M. Cain, Thomas Williams, R. Trimble, R. M. Cherry, A. G. Houghton, R. Smoot, L. J. Butler, L. P. Saxon, and their successors in office, be and they are hereby constituted a body politic and corporate, to be known as the Board of Trustees of the Southern Military Academy, and by that name shall have perpetual succession, possess a common seal, with power to break, alter or change the same at pleasure; and as a body corporate may have and enjoy legal rights and remedies, being subject to the same in as full and ample degree as any similar corporation in this State,"—be and the same are hereby amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That a male academy be and the same is hereby established, to be located in the vicinity of Wetumpka, which said school shall be known and distinguished as the Wetumpka Male Academy. Sec. 2. Be it further enacted, That Edmonds Mason, Cabott Lull, S. W. House, Osceola Kyle, J. B. Hubbard, C. K. McMorris, McD. Cain, N. W. Green, Jared Bates, and their successors in office, be and they are hereby constituted a body politic and corporate, to be known as the Board of Trustees of the Wetumpka Male Academy, and by that name shall have perpetual succession, possess a common seal, with power to break, alter or change the same at pleasure, and as a body corporate may have and enjoy legal rights and remedies,

being subject to the same in as full and ample degree as any similar corporation in this State.

SEC. 2. *Be it further enacted*, That section two of an act entitled "An act to amend the charter of the Southern Military Academy," approved December 9, 1861, which is as follows, to-wit: "Sec. 2. Be it further enacted, That the board of trustees shall consist of nine members, elected from the stockholders as directed by the first section of this act, one of whom shall be president, to be chosen by the board; which president shall have power to call a meeting of the board at any time, upon five days notice; and a majority of said board shall constitute a quorum to transact business,"—be and the same is hereby amended so as to read as follows, to-wit: Sec. 2. Be it further enacted, That the board of trustees shall consist of nine members, selected from the stockholders as directed by the first section of this act, one of whom shall be president, to be chosen by the board; which said president shall have power to call a meeting of the board at any time, and a majority of said board shall constitute a quorum to transact business.

SEC. 3. *Be it further enacted*, That the said sections one and two of the original act, entitled "An act to incorporate the Southern Military Academy," approved February 3, 1860, of which this is amendatory, be and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That section two of an act entitled "An act to amend the charter of the Southern Military Academy," approved December 9, 1861, of which this is amendatory, be and it is hereby repealed; and that said original act, approved February 3, 1860, and said act amendatory thereto, approved December 9, 1861, both remain otherwise in full force.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 20, 1875.

No. 340.]

AN ACT

To prevent persons from camping within one hundred yards of any Church within one-half mile of Fredonia, Chambers county.

Camping prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to camp within one hundred yards of any church within one-half mile of Fredonia, Chambers county, Alabama.

Misdemeanor. SEC. 2. *Be it further enacted,* That any person violating the provisions of the first section of this act shall be guilty of a misdemeanor, and on conviction shall be fined not more than one hundred dollars.

Approved January 23, 1875.

No. 341.]

AN ACT

To prevent camp hunting, firing the woods, or driving for deer in beats Nos. 5 and 16 in Marshall county.

Camp hunting, &c., prohibited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That after the passage of this act it shall be unlawful for any person to camp hunt, fire the woods, or drive for deer in beats Nos. 5 and 16 in Marshall county.

Penalty. SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be fined not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court trying the same.

Approved March 6, 1875.

No. 342.]

AN ACT

To provide for the reference of cases of misdemeanor to the county court of Marengo by the grand jury of said county.

Misdemeanors referred to the grand jury. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be lawful for the grand jury of Marengo county, when they shall deem it advisable so

to do, to refer to the county court of said county any case of misdemeanor investigated by such grand jury.

SEC. 2. *Be it further enacted*, That it shall be the duty of the foreman of such grand jury to furnish to the judge of said county court, immediately upon the discharge of his jury, a certified list of the witnesses attending before said grand jury in the cases so referred, together with a statement of the amount of the certificate issued to each of said witnesses for his fees for so attending, and of the particular case in which such certificate was issued. Duty of foreman.

SEC. 3. *Be it further enacted*, That it shall be the duty of the judge of said court, upon a prosecution of such cause being commenced in said court, to tax up said certificate as a part of the costs of said cause, and the same shall be paid as the fees of witnesses attending before the grand jury in causes prosecuted by indictment in the circuit court are paid; *Provided*, That if no prosecution of a cause so referred be commenced in said county court within six months after the discharge of the grand jury referring the same; the fees of the witnesses attending before the grand jury in such cause must be paid as such fees are now paid in cases in which no indictments are found by the grand jury. Duty of judge.

SEC. 4. *Be it further enacted*, That it shall be the duty of the county court judge of said county, upon application made to him, to endorse upon the certificate of any witness whose fees shall, under the provisions of this act, become a claim against the county, the facts which make it a good claim against the county. Endorsement of certificate of witness.

Approved February 13, 1875.

No. 343.]

AN ACT

To prevent woods burning in Washington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who may hereafter, in Washington county in this State, set fire to, or permit, willfully, or cause others to set fire to any woods, thereby injuring or destroying grasses, fencing, houses, or timber, upon any land other than his own, or lands in his use or possession, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to hard labor for the county Penalty for burning woods in Washington county.

for not less than three nor more than six months, at the discretion of the court trying the same.

SEC. 2. *Be it further enacted*, That the provisions of this act shall remain in force for three years from and after its passage, unless sooner repealed by law.

Approved February 10, 1875.

No. 344.]

AN ACT

To repeal an act entitled "An act for the protection of game in Lawrence county, Alabama," approved March 28, 1873.

Repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act for the protection of game in Lawrence county, Alabama," approved March 28, 1873, be and the same is hereby repealed.

Approved March 1, 1875.

No. 345.]

AN ACT

To prevent camp hunting in Washington county by any person not a citizen of the State of Alabama.

Camp hunting
prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person not a citizen of the State of Alabama to camp hunt in the county of Washington, and such person violating the provisions of this act is guilty of a misdemeanor, and upon conviction shall be fined for each such offense fifty dollars, one-half of which to go to the prosecutor and the balance to said county.

Approved February 25, 1875.

No. 346.]

AN ACT

To prevent camp hunting in the counties of Blount,
Marion and Winston.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for persons to hunt game of any kind in the counties of Blount, Marion and Winston by camping within the limits of said counties, and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars, or be imprisoned in the county jail not more than sixty days, or both, at the discretion of the court trying the same, one-half of the fine to go to the informer, the remainder to be paid into the common school fund of said counties. Camp hunting prohibited.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23, 1875.

No. 347.]

AN ACT

To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, so far as the same relates to Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named," approved March 27, 1873, which reads as follows :

"Section 1. *Be it enacted by the General Assembly* Act recited. of Alabama, That all fines and forfeitures assessed or imposed by any court in the counties of Tuscaloosa, Russell, Dallas, Choctaw, Lowndes, Cherokee, Calhoun, Etowah, Blount, Barbour, Chambers and Colbert, shall be collected by the officer whose duty it is to make such collections, in lawful money of the United States alone.

"Sec. 2. *Be it further enacted,* That any funds of

money received by any officer of said counties for and on account of the hire of persons sentenced to hard labor for said counties shall constitute a part of the fine and forfeiture fund, and shall be paid over to the treasurer of said counties, which said fund shall be expended as hereinafter provided.

"Sec. 3. Be it further enacted, That all claims against the fine and forfeiture fund of said counties shall be paid by the county treasurers out of said fund in the order in which the said claims shall have been registered.

Repealed.

"Sec. 4. Be it further enacted, That all laws and parts of laws conflicting with or in any wise contravening the provisions of this act be and the same are hereby repealed,"—be and the same is hereby repealed so far as the same relates to the county of Calhoun.

Approved March 19, 1875.

No. 348.]

AN ACT

To regulate the payment of all the claims against the fine and forfeiture fund of Clarke county, and to make same receivable for fines due the county and for hire of convicts.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all the claims which are now or that may hereafter be registered against the fine and forfeiture fund of Clarke county, shall be payable in the same manner out of said fund as the registered witnesses' certificates in State cases are now paid, and on equal footing with such witnesses' certificates.

How claims
against fine &
forfeiture fund
shall be paid.

SEC. 2. *Be it further enacted,* That all the claims and witnesses' certificates registered and payable as provided for in the first section of this act shall be receivable in payment of fines due the county and for the hire of convicts sentenced to hard labor for the county.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 19, 1875.

No. 349.]

AN ACT

To repeal an act entitled "An act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa," so far as the same relates to the county of Clay.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa," approved December 11, 1871, be and the same is hereby repealed, so far as the same relates to the county of Clay. Repealing act.

Approved December 17, 1874.

No. 350.]

AN ACT

To fix the salary of the judge of the City Court of Montgomery, and to provide the means for its payment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the salary of the judge of the city court of Montgomery shall be three thousand dollars per annum and no more, payable at the end of each month, on the warrant of the probate judge, out of any funds of the county. Salary.

SEC. 2. *Be it further enacted,* That there shall be taxed and collected in each civil case, as now provided by law for the collection of costs in civil cases, a judge's fee of five dollars for each such civil suit defended, and for each such suit undefended a judge's fee of three dollars. It shall be the duty of the sheriff, clerk or other officer receiving or collecting such costs to pay over the judge's fee, together with a statement of the case in which received or collected, on the last day of each month, to the county treasurer, or officer who disburses the county funds, who shall keep the same separate and apart from other moneys of the county as a special fund for the payment of the judge's salary. The judge's warrant for salary shall be paid out of this fund on the last day of each month if the fund is sufficient for that purpose; if not sufficient the amount on hand may be paid over and entered as a credit on such warrant, and so on during Fees taxed.
How paid.

each month, until there shall be paid out of such fund in each year an amount equal to the judge's salary for each year. Nothing in this act shall be construed to prevent the judge from receiving and drawing pay out of the funds of the county for his warrant for salary; but whenever in any year the amount paid into the judge's fee fund shall equal the amount of the judge's salary for such year, and said judge shall have drawn any pay on his warrant for salary for such year out of the county funds, the county treasurer, or officer disbursing the funds of the county, shall deduct from the judge's fee fund an amount equal to the amount drawn by the judge out of the general funds of the county, and the amount thus deducted shall be paid into the general fund.

Fee in case of
felonies and
misdemeanors

State or county
not liable for
fees.

SEC. 3. *Be it further enacted*, That there shall be taxed a judge's fee in each felony case which is defended of five dollars, and a similar fee of three dollars in each case of misdemeanor which is defended, to be taxed against the defendant on conviction, which shall be collected and paid over under the provisions of section two of this act; *Provided*, That nothing herein contained shall render the State or county liable for the payment of such tax fee.

SEC. 4. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 19, 1875.

No. 351.]

AN ACT

Relating to bailiffs for the courts of Montgomery county.

Sheriff author-
ized to employ
three bailiffs.

Fees.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sheriff of Montgomery county be authorized to employ not more than three bailiffs to attend to the business of any one court, unless specially directed by the order of court, setting forth the additional number and the reasons for ordering the same.

SEC. 2. *Be it further enacted*, That the fees of such bailiffs shall be two dollars per day, to be paid out of

the county treasury, on the certificate of the clerk, showing the number of days of attendance.

SEC. 3. *Be it further enacted*, That persons acting as deputy sheriffs shall not be allowed to draw pay as bailiffs. Deputy sheriffs do not draw pay as bailiffs.

SEC. 4. *Be it further enacted*, That the act entitled an act to authorize the sheriff of Montgomery county to employ additional bailiffs, approved February 17, 1854, and all other acts in conflict with this act, so far as relates to Montgomery county, be and the same are hereby repealed. Repealed.

Approved March 4, 1875.

No. 352.]

AN ACT

To regulate the sessions, and fix the compensation of the court of county commissioners for Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the court of county commissioners of Montgomery county shall hold the four annual sessions now provided by law, each of which sessions shall not be longer than one week. Terms of commissioners court.

SEC. 2. *Be it further enacted*, That the members of said court shall receive the sum of three dollars per day, and mileage at the rate of five cents per mile in going and returning, for each day of said four weeks they may be engaged in the duties of said office, and shall not receive any other allowance or compensation. Compensation.

Approved March 11, 1875.

No. 353.]

AN ACT

To establish a Board of Revenue for Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established a board con- Board of revenue establish- ed.

sisting of five persons, to be called "The Board of Revenue of Montgomery County."

Governor appoints.

SEC. 2. *Be it further enacted*, That the members of said board shall be appointed by the governor, and shall hold their office for the term of four years, and until their successors are qualified, and in case of a vacancy the same shall be filled by the governor, upon certificate of such vacancy by the remaining members of the board.

Power and authority conferred.

SEC. 3. *Be it further enacted*, That said board shall have power and authority to direct and control the property of the county as it may deem expedient, according to law; to levy a general tax for general, and a special tax for particular county purposes, according to the provisions of the Revised Code of Alabama; to examine, settle and allow all accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated for its use and benefit; to have exclusive control of the convict labor of the county and the disbursement of the proceeds of the same, and the sole right and authority to bind the county of Montgomery on any contract for the payment of money.

Supervision over tax collector and tax assessor.

SEC. 4. *Be it further enacted*, That the said board shall exercise the same supervising control over the tax collector and tax assessor of said county, their bonds, and removal from office, as is now required by law of the commissioners court of said county.

Exclusive jurisdiction.

SEC. 5. *Be it further enacted*, That said board shall have exclusive jurisdiction of the matter of insolvencies and errors in the assessment and collection of the taxes as is now exercised by the commissioners court of said county.

Authority to compromise debts.

SEC. 6. *Be it further enacted*, That said board shall have power and authority to compromise the outstanding debt of Montgomery county; to examine into and pass upon the legality of warrants already issued; to classify and register outstanding warrants, and may pledge the credit of the county to raise money to discharge the same.

May pledge credit of the county.

President elected.

SEC. 7. *Be it further enacted*, That said board shall elect one of its members to be presiding officer when in session, and who shall determine all matters in the event of a tie in the vote of the other members, and who shall sign the minutes of the proceedings of the board. And

the said board shall also elect another member as clerk, who shall keep an office at or near the court house of said county, and whose duty it shall be to receive and prepare business and obtain information for the sessions of said board, and to see to the execution of all orders thereof, and to report to the board all infractions of the revenue law in said county, of which he can obtain authentic information, to keep proper records of the proceedings of said board in well bound volumes, provided for that purpose, and which shall always be open to the inspection of the citizens of said county, and generally to do and perform such matters as may be required of him by said board. And said board may, at any time, change its president or clerk.

Clerk elected.

Duty of clerk.

SEC. 8. *Be it further enacted*, That said board shall hold four sessions annually, viz: on the second Monday of February and April and November, and on the third Monday in August, and may hold a special session at any time upon the call of the president or any two members of the board. Notice of special sessions shall be given by advertisement for five days before such term, in a newspaper published in the city of Montgomery.

Four sessions annually.

Upon call of president or any two members may hold special session

SEC. 9. *Be it further enacted*, That a majority of said board shall constitute a quorum for the transaction of business, and no funds belonging to the county shall be drawn, except as authorized by said board, and a proper list and registry of all sums drawn, and of the nature of the claim, and of the person in whose favor drawn, shall be kept by the clerk of said board.

Quorum.

SEC. 10. *Be it further enacted*, That the clerk of said board shall receive for his services a salary of not less than one thousand dollars nor more than fifteen hundred dollars, according to the extent of his usefulness, to be determined by the other members of the board; and the other members of said board shall be allowed two dollars per diem while in session, and mileage at the rate of five cents per mile to and from the place of meeting, the whole compensation in no case to exceed the sum of one hundred dollars per annum to any of such members.

Compensation of clerk.

Compensation of members of the board.

SEC. 11. *Be it further enacted*, That it shall be the duty of the clerk of each court in said county, and of the register in chancery, to render to said board, within ten days after the adjournment of such court, a list, under oath, of all fines and forfeitures taken during such

Duty of clerk and register in chancery.

term for the use of the county, and of all taxes upon cases decided at such term.

Approved March 11, 1875.

No. 354.]

AN ACT

To allow the city of Montgomery to work the persons convicted of violations of the ordinances of the city outside the city.

Municipal authorities empowered to work male convicts.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of draining "Cypress Swamp," which lies near the city of Montgomery, and which it is necessary to drain for the benefit of the health of the citizens of Montgomery, the mayor and council are hereby authorized and empowered to work all male persons convicted of violating any of the ordinances of the city, outside of the city, for the purpose of draining what is known as "Cypress Swamp," under the same rules and regulations as such persons are now worked upon the streets during such term of service, while working out their fines imposed upon them by the mayor and council of said city; *Provided,* That such persons shall not be worked outside of the city a greater distance than two miles, and shall be returned to the city at least once each week.

Approved February 23, 1875.

No. 355.]

AN ACT

To ratify and confirm an election for five commissioners of revenue, held in Mobile county in November, A. D. eighteen hundred and seventy-four, and defining their term of office.

Election ratified.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the election held in Mobile county on the first Tuesday after the first Monday in November, A. D. eighteen hundred and seventy-four, for five commissioners of revenue for the said county, is hereby ratified and confirmed; and the commissioners so elected

will hold office from the time of their being qualified to hold their offices.

SEC. 2. *Be it further enacted*, That it is the true intent and meaning of the previous legislation on this subject, that the board of commissioners of revenue for Mobile county consists of five members, to be elected on the first Tuesday after the first Monday in November, A. D. eighteen hundred and seventy-four, and every three years thereafter, and to hold office the same as other commissioners of revenue under the general election law of the State. Intent of previous legislation.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in contravention of the provisions of this act be and the same are hereby repealed.

Approved November 28, 1874.

No. 356.]

AN ACT

To legalize an election of justice of the peace for the eighth ward in the city of Mobile, held on the 22d day of December, 1874.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the election of Richard B. Owen to be justice of the peace for the eighth ward of the city of Mobile, which took place on the 22d day of December, 1874, be and the same is hereby legalized and made valid, and the said Richard B. Owen be and he is hereby authorized to proceed to execute all the duties of the office during the term prescribed by law. Election legalized.

Approved February 23, 1875.

No. 357.]

AN ACT

To regulate the election of justices of the peace and constables in the city of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the same election in which the municipal officers of the city of Mobile are now or hereafter

Elect'on of justices and constables provided for.

required to be elected by law, there shall also be elected by the qualified electors of each ward in the city of Mobile, who may be qualified to vote for such municipal officers, one justice of the peace and one constable for that ward, whose term of office shall commence on the first day of January next after their election, or so soon thereafter as they may be qualified, and who shall continue in office for three years, and until their successors are elected and qualified; *Provided*, That the justices and constables so elected at the next municipal election in Mobile shall not go into office until the expiration of the term of the present incumbent.

Vacancies fill'd by governor.

SEC. 2. *Be it further enacted*, That in case of any vacancy occurring in any such office, it shall be filled by appointment of the governor, and the appointee shall hold office until the expiration of the term of office for which the previous incumbent was elected.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in contravention of the provisions of this act be and the same are hereby repealed.

Approved December 1, 1874.

No. 358.]

AN ACT

To amend the second section of an act entitled "An act to change the mode of receiving and disbursing the revenue of Mobile county, and for other purposes," approved February 9, 1852.

Act recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the second section of an act approved February 9, 1852, entitled "An act to change the mode of receiving and disbursing the revenue of Mobile county, and for other purposes," which reads: "Sec. 2. *Be it further enacted*, That all the moneys heretofore required

Amendment.

by law to be paid to either of those treasurers or board, shall, on and after the first day of April next, be paid into the Bank of Mobile, to the credit of the proper board,"—be so amended as to read: Sec. 2. *Be it further enacted*, That all the moneys heretofore required by law to be paid to either of those treasurers or board, shall, on and after the first day of April next, be paid

into the Bank of Mobile, or such other solvent and safe bank or banks in the city of Mobile as the commissioners of revenue of said county may by resolution of the board appoint, to the credit of the proper board.

Approved March 17, 1875.

No. 359.]

AN ACT

To allow the Bienville Water Works Company of the city and county of Mobile five years from the passage and approval hereof, within which to cause to be conducted to said city water from the eight-mile creek, or some of the affluents thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Bienville water works company of the city and county of Mobile be allowed five years from the passage and approval of this act, within which to cause to be conducted to said city water from the eight-mile creek, or some one of the affluents thereof, in Mobile county, ready for distribution according to the provisions of the act entitled "An act in relation to the Bienville water works company of the city and county of Mobile," approved the 23d day of March, in the year 1871; and that the rights, privileges and immunities of said company under said act be continued.

Bienville water works co. allowed 5 years to conduct water to Mobile.

SEC. 2. *Be it further enacted,* That said city of Mobile be and it is hereby authorized to contract with said company, and said company to contract with it, for an annual or semi-annual rent, to be paid by the city to the company for the supply of water by hydrants, fire-plugs, or otherwise, along the streets of the city, or elsewhere therein, for the extinguishment of fire, washing of the streets, and for fountains in said city, or other purposes.

Authority to contract.

SEC. 3. *Be it further enacted,* That all laws or parts of laws contravening the provisions of this act be and they are hereby repealed; *Provided,* That nothing in this act shall in any manner affect any right or claim that the lessees of the Mobile water works, or either of them have or may have under any contract with the city

Repealing section.

Proviso.

of Mobile, or under any statute of this State heretofore made, entered into or passed.

Approved February 25, 1875.

No. 360.]

AN ACT

To authorize the corporate authorities of the city of Mobile to contract with certain water works companies therein named for the supply of water for public purposes.

Corporate authorities empowered to contract for annual or semi-annual rent for water supply with Mobile water works. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the city of Mobile be and they are hereby authorized to contract with the lessees or owners of the Mobile water works, who claim, under the agreement between said city and the late Albert Stein, dated December 26, 1840, for an annual or semi-annual rent to be paid by said city, for the supply of water by hydrants, fire plugs or otherwise along the streets of the city or elsewhere therein for the extinguishment of fires, washing of the streets, and for fountains in said city, or other purposes.

Authorities to contract with the Bienville water works. SEC. 2. *Be it further enacted,* That said city of Mobile be and it hereby is authorized to contract with the Bienville water works company, of the city and county of Mobile, and said company to contract with it for an annual or semi-annual rent, to be paid by the city to the company, for the supply of water by hydrants, fire plugs or otherwise along the streets of the city or elsewhere therein for the extinguishment of fires, washing of the streets and for fountains in said city, or other purposes.

Approved March 10, 1875.

No. 361.]

AN ACT

To fix the term of office of the Aldermen of the City of Mobile, and to provide for filling vacancies therein.

Term of office. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the aldermen of the city of Mobile shall

hold their office for the term of three years from the time fixed by law for their entrance into office, and until their successors are elected and qualified; and in case a vacancy occur in such office during such term from any cause, the same shall be filled by election by the board of aldermen and common council in joint convention, after giving two weeks notice of the time of such election. Vacancies fill'd by board of aldermen.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 10, 1875.

No. 362.]

AN ACT

To provide for the filling of vacancies which may occur in the offices of mayor, treasurer, tax collector, auditor and clerk of the city of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if at any time a vacancy occur for any cause in the office of mayor of the city of Mobile during the term for which that officer shall have been elected, such vacancy shall be filled by election by the board of aldermen and common council in joint convention, after two weeks notice of the time, place and purpose of such convention by publication in some newspaper in the city of Mobile. If at any time for any cause a vacancy occur in either of the offices of treasurer, tax collector, auditor or clerk of the city of Mobile during the term for which that officer shall have been elected, such vacancy shall be filled by election by the mayor and board of aldermen and common council in joint convention, after one week's notice of the time, place and purpose of such convention by publication in some newspaper in the city of Mobile. The person so elected to fill vacancy in either of said offices shall, on qualification as required by law, fill such office and perform the duties thereof for such unexpired term the same in all respects as if he had been originally elected thereto for the full term. Vacancies in certain offices, how filled.

SEC. 2. *Be it further enacted,* That all laws and parts

of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23, 1875.

No. 363.]

AN ACT

For the reduction and funding of the debts of the City of Mobile, to provide for the payment and security thereof, and the raising of revenue necessary to meet the annual expenses of said city, and its application to the same.

Gov. appoints
3 persons to
adjust and set-
tle indebted-
ness.

Oath of office.

Where filed,

Term of office.

Remuneration
of commission-
ers settled on
by mayor and
finance com-
mittee.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor of this State shall appoint three persons, who are citizens and residents of the city of Mobile, who shall be and are hereby empowered to adjust and settle the indebtedness of said municipal corporation, that is, the mayor, aldermen and common council of the city of Mobile, as provided in this act. Each of said persons so appointed shall, before entering upon the duties of his office, take and subscribe before some officer of this State authorized to administer oaths, an oath that he will truly and honestly administer the duties of his office, which oaths shall be filed with the clerk of said corporation, and shall be by such clerk recorded and kept. The title of said officers shall be the board of commissioners for the city of Mobile, and their term of office shall be two years, unless the duties of their office shall be sooner completed, in which event their duties and powers shall then cease. The powers given and duties imposed upon said commissioners by this act may be exercised and discharged by a majority of said board, and any vacancy occurring in the board shall be filled by appointment by the governor of this State.

SEC. 2. *Be it further enacted,* That the remuneration for the time and labor of said commissioners while employed in the execution of their trust shall be settled on by the mayor of said city, and the finance committee of said city and said commissioners, and in case of disagreement between the parties respecting such remuneration, the same shall be settled by reference to two well known real estate owners of said city, one of whom shall

be chosen by each of the respective parties, with power in those chosen to select an umpire in case of disagreement by said chosen referees. The remuneration shall not be such as to make the place one of pecuniary profit, but shall be a fair compensation for time and labor. Such compensation, when so determined on, shall be paid from the treasury of said municipal corporation.

SEC. 3. *Be it further enacted*, That said commissioners shall proceed without delay to the expeditious execution of their trust; they shall have power to employ all necessary clerks and agents, and may incur any reasonable expense incident to the discharge of their duties; and said commissioners shall draw their warrants on the city treasurer for such sums as may be necessary to pay such agents and employes and to defray such expenses, which warrants shall be paid from any money in the city treasury not otherwise specially appropriated.

SEC. 4. *Be it further enacted*, That the mayor of said city, and the president of the board of common council, and the president of the board of aldermen of said city, shall, without delay, cause to be engraved and prepared the requisite number of blank bonds, with interest coupons attached, to meet the requirements and purposes of this act, and shall from time to time cause so many of the same to be executed, by the signatures of said mayor and presidents of said boards of aldermen and common council, and under the corporate seal of said city, and to be delivered to said board of commissioners as they may from time to time require, said board of commissioners giving their receipts therefor to the treasurer of said city in a well-bound book, to be kept, specifying the number of each bond and the coupons by them received; said bonds so issued shall be numbered and issued in consecutive numbers, beginning with the number one (1).

SEC. 5. *Be it further enacted*, That said board of commissioners shall have issued to them as aforesaid, from time to time as required, bonds of said municipal corporation (the mayor, aldermen and common council of the city of Mobile) as shall be necessary to liquidate and fund the present debt of said city, not, however, to exceed in the aggregate two millions of dollars. Each bond shall be in the sum of five hundred dollars, shall be payable thirty years from date, and each bond shall

A fair compensation.

Duties & powers of commissioners.

Blank bonds prepared.

Bonds numbered & issued consecutively.

Bonds limited to \$2,000,000.

Denominations

Date. bear the same date ; said bond shall be payable in lawful money of the United States of America, and shall have interest coupons attached, to be signed by the mayor of said city. The coupons shall be payable semi-annually in lawful money of the United States of America, and shall be for interest at the rate of six per cent. per annum ; said bonds and coupons shall be negotiable commercial paper, and be subject to the commercial law applicable to such negotiable paper. And a contract

Coupons attached. Lien created on real estate of municipality and on the annual revenue raised by taxation. lien is hereby created on the real estate owned by said municipal corporation for the payment of said bonds and coupons, and for the payment of the same ; a further contract lien is hereby given on the yearly revenue of said city, to be raised by taxation each year to the extent necessary to pay the interest on said bonds due and falling due in each year, and to raise a sinking fund in

Payable semi-annually. Sinking fund. lawful money of the United States of America of fifty thousand dollars each year for payment of the principal of said bonds ; said sinking fund shall be applied by said municipal corporation to the purchase of any of such outstanding bonds ; *Provided*, That the mayor and presidents of the two boards shall advertise for sixty days, and in such manner as to them may seem best, for the

Six per cent. Advertisement for bids. lowest bids from bondholders for the application of such sinking fund to the payment of the bonds offered in such bids, and that this advertisement shall be first made on the first day of January, 1876, and annually on the first day of each succeeding January, which bids shall be opened by the mayor and the presidents of the two boards, and the said sinking fund then on hand shall be applied and paid to the bidder offering his bonds at the lowest price.

Bonds may be sold by board of commissioners for not less than 90 cents on the dollar. SEC. 6. *Be it further enacted*, That said board of commissioners for the city of Mobile shall have power to sell said bonds with coupons for not less than ninety cents on the dollar, in currency of the United States of America, and may apply the money received therefrom in retiring any debts of said municipal corporation, on such terms as may to said commissioners seem best for the interest of said municipal corporation, or said commissioners may, at their election, use said bonds and coupons in reducing said debts by exchange for any existing bond of said municipal corporation, or by exchange for any other debt of said corporation, on such terms

and in such manner as to said commissioners shall seem best for the interest of said municipal corporation.

SEC. 7. *Be it further enacted*, That said commissioners shall cause to be kept, in well-bound books, correct accounts of each of their transactions, showing the amount and numbers of the bonds and coupons received by them, and the true dates of their issue, and the particular disposition made of each bond and the coupons attached thereto. They shall cause a brief entry to be made on each bond that may be taken up of the transaction by which it was retired; they shall cause each bond so taken up or retired by them to be cut through, in at least three places, with some appropriate stamp or device, which shall penetrate through the paper or material on which the bond is written or printed, or shall mark each of said bonds cancelled, and sign their names to such entry of cancellation, and shall so mark and cancel every promise to pay by said city that may be taken up by them, and shall take duplicate receipts for all debts by account that may be retired by them, and such bonds and other debts so cancelled, and such receipts shall be filed and kept in some safe fire-proof depository in said city of Mobile.

Record of their transactions.

How cancelled or stamped.

Receipts taken and filed.

SEC. 8. *Be it further enacted*, That the mayor of said city shall, every six months, or oftener if said commissioners shall deem it advisable, ascertain the results of the operations of said commissioners, and shall cause entries of the bonds and coupons and other debts taken up under this act, and of the bonds and coupons that may have been disposed of under this act, to be made on a private but official well-bound book to be kept by him; and then it shall be the duty of said mayor and said commissioners to have the bonds and coupons so taken up consumed by fire; said book shall not be subject to inspection except by said mayor, nor shall its contents be made known while said commissioners are acting without the consent of said commissioners, or a majority of them, evidenced by any writing signed by them to be recorded and filed by said city.

Private official record kept not subject to inspection.

SEC. 9. *Be it further enacted*, That when said commissioners shall have ended their labors, or when their office shall expire, they shall fully report their transactions in detail to the governor of this State and to the mayor of said city, and all books and entries of their proceedings and all papers in their possession shall be

Report made to Governor.

turned over to the treasurer of said city, and shall be safely kept in some fire-proof repository, but subject to public inspection. And all unexpended bonds provided to be issued under this act which may remain in their possession shall, under the inspection of said mayor and commissioners, be consumed by fire; and said books shall be evidence in every court that the debts of said municipal corporation therein shown to be paid are no longer demands on said municipal corporation.

Necessary expenses of municipal government raised by taxation.

SEC. 10. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile, in addition to the amount of money provided for by the foregoing sections of this act, shall cause to be raised and collected by taxation from the subjects and in the manner and under the limitations described in the charter of said city, and the statutes applicable thereto, from year to year and each year, so much and such further sums of money as may be needful to defray the necessary expenses of such municipal corporation for each year and no more, and the money hereby authorized in this section to be collected by said corporate authorities of the city of Mobile shall be applied to meet and defray said necessary expenses, and to no other purpose whatever.

SEC. 11. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 9, 1875.

No. 364.]

AN ACT

To regulate the election of municipal officers in the city of Montgomery.

Mayor and aldermen elected.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor, aldermen and clerk of the city council of Montgomery shall be elected by the qualified voters of said city, in the manner hereinafter provided; and the aldermen so elected must be residents of the ward for which they are respectively elected.

Election first Tuesday in May.

SEC. 2. *Be it further enacted*, That said election shall be held on the first Tuesday in May, 1875, and on said Tuesday in May biennially thereafter; and the polls at

such election shall be opened between the hours of 8 and 9 a. m., and be kept open till 5 p. m. The term of office of the said officers so elected on the first Tuesday in May, 1875, shall commence at the expiration of the term of the present incumbents and shall continue until their successors are duly elected and qualified.

SEC. 3. *Be it further enacted*, That said elections shall be conducted according to the law governing elections for officers under the law of this State, except as declared in this act; but no person shall be entitled to vote at said elections in said city unless he possess the qualifications mentioned in the seventh article of the constitution of this State, and shall have resided in said city five months, and the ward of said city in which he proposes to vote three months before the registration hereinafter directed, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election at the polling place of said ward, the certificate of such registration hereinafter provided.

SEC. 4. *Be it further enacted*, That at said election there shall be one poll opened in each ward of said city, that it shall be the duty of the clerk of the city council and mayor of said city to provide for the opening of said polls, and to give ten days notice by publication in two newspapers of said city, representing different political parties, if such exists, of the time of holding said election, of the several polling places, and names of the inspectors of election of each ward. The said mayor and the city council of Montgomery shall appoint the said inspectors, who shall also perform the duty of returning officers. The number of said inspectors so appointed shall be three for each ward in said city, one of whom shall be a member of each political party, and said inspectors shall be residents of the respective wards for which they are appointed.

SEC. 5. *Be it further enacted*, That at least ten days before the first Monday in April, next preceding each election, it shall be the duty of the mayor and aldermen of said city to appoint two citizens for each ward of said city, residents of said ward, one of whom shall be a member of each political party, to act as registrars of voters in their respective wards. 2. Said registrars shall commence registration in their respective wards on the

Term of first incumbent.

How elections shall be conducted.

Electors.

Polls to be opened.

Notice.

Inspectors.

Number and qualifications.

Registrars.

Their duties.

Notice.

Mode of registration.

Right of challenge.

May employ counsel.

Registration lists to be delivered to mayor.

first Monday in April, next preceding each election, and shall continue the same for six consecutive days, from 9 a. m. to 5 p. m. of each day, and said registrars shall give at least five days notice by daily advertisement in two newspapers published in said city, one of each political party, if such exists, and by posting notices in at least five public places in said city of their appointment, and of the time when and place at which in their respective wards they will attend and make registration of votes as hereinafter required. 3. Before registration is made of any applicant therefor, said registrars must be satisfied by personal knowledge, or sufficient evidence, that such applicant has resided at least five months in said city, and three months in the ward of said city in which he proposes to register and vote, and that he will be legally entitled to vote at the then next ensuing election for said municipal officers of said city, according to the requirements of the 3d section of this act, and said registrar being so satisfied must thereupon place the name of such applicant upon the registration list of that ward, together with the place of his residence, describing the same by street and number of his house, or such other description as may be easily intelligible. The names of parties registered shall be placed upon said list, alphabetically, and be numbered in the order of registration, and said registrars must furnish each person so registered a certificate of his registration, signed by both of said registrars, giving his name, age, place of residence and the number of his registration. 4. The right of any person to be registered as a voter may be challenged in the same manner as is hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city. And in case the said registrars are in doubt and cannot agree upon any matter pertaining to their duties as registrars under this act, then said registrars shall take the advice upon such matters of some competent practicing attorney at law in said city, to be selected by them. 5. Said registrars shall carefully preserve the original registration lists of their respective wards and cause a correct copy thereof to be made, and shall certify said original and copy over their signature, and within three days after the closing of the registration in their respective wards, shall deliver both said original and copy to the mayor of said city. 6. For their said services, said reg-

istrars shall receive three dollars each per diem for each day they have been actually therein employed, and it shall be the duty of said registrars to certify to the clerk of the city council of said city the necessary expenses attending said registration, including attorney's fees, which, together with the per diem of said registrars, shall be paid out of the city treasury. Compensation

SEC. 6. *Be it further enacted*, That before entering upon the discharge of their said duties, said registrars shall each make and subscribe an affidavit before some officer authorized to take affidavits, that they will faithfully and truly perform the duties by the act imposed on them, and that they will honestly, without favor, fear or affection, and without reward or the hope thereof, cause registration to be made of all persons in their respective wards, who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrars in the office of the clerk of the city council. Oath of office.

2. For every willful violation of their duty as such registrars, they shall, on conviction, pay a fine of two hundred and fifty dollars, for the use of the city of Montgomery, and in default of immediate payment of said fine, on such conviction, shall be imprisoned in the county jail of Montgomery county for six months. Filed in city clerk's office.

SEC. 7. *Be it further enacted*, That the mayor of said city shall cause at least fifty carefully corrected copies of the registration list of each ward of the city to be printed, and shall furnish to each of the inspectors of election in each ward one printed copy of the registration list of the ward in which he is to act as such inspector, to be used at such election. One of these printed copies shall be designated and used by said inspectors as the *official copy*, and shall be by them returned with the ballots cast at such election as part of their official return, as hereinafter directed. It shall be the duty of said mayor, at least fifteen days before said election, to post at the court house in said city, one copy of the registration list of each ward, and shall post a copy of the registration list of each ward at the polling places of the respective wards. The original of said list, and the certificate manuscript copies, as received from the registrars, shall, after the said printed lists have been prepared, be by the mayor deposited with the clerk of the Registration lists to be printed.

One to be designated official.

Lists to be posted.

city council of said city, to be preserved among its records.

SEC. 8. *Be it further enacted*, That the inspectors of election in the several wards shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list of that ward, as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of section 5 of this act, to be by said inspectors then and there cancelled, and who does not, on demand, make satisfactory proof of his identity with the person whose name may be on said registration list.

2. For the purpose of such election, the printed lists furnished to the inspectors by the mayor, and hereinbefore designated as the official list, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list of the ward, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election.

Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on the said official registration list over the name voted.

3. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots and compare them with the poll lists at their respective polls, and certify the result of the election in their respective wards to the mayor and aldermen of said city. They shall enclose the ballots cast in their respective wards, with the poll list and registration list of their respective wards, and the certificate of registration surrendered at the election, together with their said certificates of the result in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box with its contents to the mayor of said city, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Proof of identity.

Official list to be taken as correct.

Name to be marked upon voting.

Ballots counted and compared, and certificate of result given.

Ballots, poll lists, &c., sealed and delivered to mayor.

SEC. 9. *Be it further enacted*, That the said mayor and aldermen of said city, or a majority of them, shall immediately after the delivery of the ballot boxes, poll lists and inspectors' certificates of the respective wards, as hereinbefore required, to said mayor, proceed to open the said boxes, and within three days, by a count of the votes, and comparison thereof with the poll list, regis-

Mayor and aldermen to compare and verify the returns and declare the election.

tration list and returns of the inspectors at the several ward polls, verify, and if necessary correct the said returns, and declare the election to their respective officers of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. 2. The said certificate of election so issued by the said mayor and aldermen, or majority of them, shall entitle the persons so certified to the possession of their respective offices, immediately upon the expiration of the term of office of their predecessors, as fixed by statutes, subject, however, to contestation of their rights as is now or may be provided by acts of general assembly. During such contestation, and until decision by the tribunal having jurisdiction under the statute, the official acts of such certificated officers about the business of their respective offices, shall be good and valid in law; *Provided, however,* That before entering upon the duties of their respective offices such certificated officers shall take the oath prescribed by the constitution of the State of Alabama, and where official bonds are required by law, shall have executed said bonds with the security, and in the manner prescribed by law.

Shall issue certificates of election.

Certificate entitles holder to possession of office.

Contest.

Oath of office.

SEC. 10. *Be it further enacted,* That any person offering to vote at any municipal election in the city of Montgomery may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath: "You do swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector." The inspector, or one of them, must then examine him as to his qualification under this act. They may also receive proof as to his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to witness whom they may examine. and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath, and to answer any of the questions propounded, except such as may tend to criminate himself, his vote must be rejected.

Right of challenge.

Oath of person proposing to vote.

Other proof may be required.

False registra-
tion a felony.

Penalty.

SEC. 11. *Be it further enacted*, That any person who falsely personates another and thereby casts a vote to which he is not entitled, or attempts to cast a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after once voted at such election votes a second time, or attempts to vote a second time, whether in the same ward or another, or shall falsely cause his name to be registered as a person entitled to vote when he is not so entitled, or shall falsely attempt to do so, or, after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not so entitled, knowing him not to be so entitled to vote, or obtain registration as a voter, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for the space of not less than six months, nor more than one year.

SEC. 12. *Be it further enacted*, That all laws and parts of laws regulating the election of municipal officers in the city of Montgomery, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 1, 1875.

No. 365.]

AN ACT

To regulate the election of municipal officers in the city of Mobile.

Election.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor of the city of Mobile, the aldermen, members of the common council, treasurer, auditor, collector of taxes, and city clerk, shall be elected by the qualified voters of the city of Mobile in the manner hereinafter provided; but the aldermen and members of the common council must be residents of the ward for which they are respectively elected.

Duty of sheriff

SEC. 2. *Be it further enacted*, That it shall be the duty of the sheriff of Mobile county to give ten days notice in some newspaper published in the city of Mobile of

such election, of the several polling places in the city, and the names of the inspectors of election and the returning officers for the several wards. Said inspectors and returning officers must be residents of the respective wards for which they are appointed; the said sheriff, jointly with the judge of probate and the clerk of the circuit court of Mobile county, shall appoint the said inspectors and returning officers of said elections, and provide for the opening of one poll in each ward of the city for the election of the officers mentioned in this act, except in the seventh ward, in which two polling places shall be opened.

SEC. 3. *Be it further enacted*, That all elections for municipal officers of the city of Mobile shall be conducted according to the law governing elections for officers under the laws of this State, except as declared in this act; but no person shall be entitled to vote at any election for municipal officers in the city of Mobile, unless he possess the qualifications mentioned in the seventh article of the constitution of the State, and shall have resided in the city of Mobile three months before the registration herein directed, and fifteen days in the ward in which he proposes to vote, and have caused himself to be registered in the ward of his residence in the manner herein provided. It shall be the duty of the sheriff, assisted by the mayor of the city, to preserve strict order at said election, and at the registration of voters herein directed, and see that the laws governing the elections are promptly enforced.

SEC. 4. *Be it further enacted*, That the inspectors of the elections at the several polls shall, immediately after the election, proceed and count the ballots, and compare them with the poll lists at their respective polls, and certify the result of the election in their respective wards to the sheriff, judge of probate and clerk of the circuit court of Mobile. They shall enclose the ballots cast in their respective wards, with the poll list, the registration list of their respective wards, and the certificates of registration surrendered at the election as hereinafter provided for, together with their said certificate of the result, in the box in which are placed the ballots received at such election, and after carefully sealing the same, deliver said box with its said contents to the returning officer, to be by him immediately delivered to the judge of probate, who shall make and give to said returning

How election
to be conducted.

Duty of the inspectors.

officer his receipt for said box, stating therein its condition when received by him. The said judge of probate, sheriff, and clerk of the circuit court of Mobile, or a majority of them, shall, immediately after the delivery of the ballot box, poll lists, and inspectors' certificates, as hereinbefore required, to the judge of probate, proceed and open the said boxes, and within three days, by a count of the votes and comparison thereof with the poll lists, registration lists, and returns of the inspectors, verify and, if necessary, correct the returns of the inspectors at the several ward polls, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the offices to be filled at that election, and shall give certificates of election to their respective offices to the persons so found to be elected; the said certificate so issued by the judge of probate, sheriff, and clerk of the circuit court of Mobile, or a majority of them, shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the term of office of their predecessor, as fixed by statute; subject, however, to contestation of their right as now, or may be, provided by act of the general assembly. During such contestation, and till decision by the tribunal authorized by statute to hear and determine the same, the official acts of said certificated officer, about the business of their respective offices, shall be good and valid in law; *Provided, however,* That before entering upon the duties of their respective offices, such certificated officers shall take the oath prescribed by the constitution of the State of Alabama; and where official bonds are by law required, shall have executed said bonds, with the security and in the manner prescribed by law.

Proviso.

Appointm't of
registrars, and
their duties.

SEC. 5. *Be it further enacted,* That at least twenty days before each election to be hereafter held for municipal offices in the city of Mobile, it shall be the duty of the sheriff, jointly with the judge of probate and clerk of the circuit court of Mobile, or of any two of said officers, in case all do not or can not unite in such appointment, to appoint three discreet citizens for each ward of the city, one of whom shall be a member of each political party, residents in the ward for which they are appointed, to act as registrars of voters in their respective wards. One of said appointees shall be the clerk, and shall have no vote in any matter to be decided by said

registrars, except in case of disagreement between the other two. Said registrars shall give at least five days notice, by daily advertisement in one or more newspapers published in the city of Mobile, and by posting copies of such notices at the door of the court-house of Mobile, and at each of the public market houses in the city, of their appointment and of the time and place in their respective wards when they will attend and make registration of voters as herein required. It shall be the duty of said registrars to attend at the time and place so appointed in their respective wards, and for the space of six days, from 9 A. M. to 5 P. M. of each day, and make registration of all the legal voters in their respective wards. Before registration is made of any person applying therefor, said registrars must be satisfied, by personal knowledge or sufficient evidence, that such applicant has resided at least fifteen days in the ward where he proposes to register and to vote, and will be legally entitled to vote at the then next ensuing election for municipal officers of said city; and must, thereupon, place his name upon the registration list of that ward, with the place of his residence, describing the same by street and number of his house, or such other description as may be convenient and easily intelligible; they must also furnish each voter, upon registration as herein directed, a certificate of his registration, stating therein his name, age, place of residence, and number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as is herein provided for the challenging of any person who may claim the right to vote at any municipal election.

SEC. 6. *Be it further enacted*, That said registrars shall cause said registration of voters to be made alphabetically, so that the surnames of the voters shall be placed in groups under the several letters with which their surnames begin, followed by their christian names, and to be numbered in the order of their registration. They shall carefully preserve the original registration lists of their respective wards, and therefrom cause a correct copy thereof to be made, and shall certify said original and copy over their signatures; and within three days of the closing of the said registration in their respective wards, shall deliver both said original and copy to the judge of probate of the county. For their services as herein directed, said registrars shall receive from the

Registration;
how made.

treasury of the city as follows: The clerk four dollars, and the others three dollars each, for each day they have been actually therein employed. It shall be the duty of said registrars to certify to the auditor of the city the necessary expenses attending said registration as herein directed, to be paid from the treasury of the city.

Oath of regis-
trars.

SEC. 7. *Be it further enacted*, That before entering upon the duties herein declared, said registrars shall each make oath before some officer authorized by law to administer oaths and take affidavits, that they will faithfully and truly perform the duties hereby imposed on them; and that they will honestly, without favor, fear, or affection, and without reward or hope of reward, cause registration to be made of all persons in their respective wards who may personally apply therefor, and show that they are legally entitled to vote at the said next ensuing municipal election, and of no other person. For every willful violation of their duty as such registrars, such persons, on conviction, shall pay a fine of fifty dollars for the use of the city of Mobile; and in default of immediate payment of said fine on such conviction, shall be imprisoned in the county jail for one week, and shall be liable, at the suit of the party injured, to such damages as he may recover.

Lists to be
printed.

SEC. 8. *Be it further enacted*, That said sheriff shall cause at least one hundred carefully corrected copies of the registration lists of each ward of the city to be printed, at the cost of the city of Mobile, as provided in section six of this act, and shall furnish to each of the inspectors of election in each ward one printed copy of the registration lists of the ward in which he is to act as such inspector, to be used at such election; one of these printed copies shall be designated and used by said inspectors of election, at the election held by them in their respective wards, as the official copy, and shall be by them returned with the ballots cast at such election as a part of their official return, as hereinafter directed. It shall be the duty of the sheriff to post at the court-house of Mobile, as soon as they are printed, one copy of the registration list of each ward, and shall post a copy of the registration list of each ward at the polling place of the respective wards. The originals of said lists, and the certified manuscript copy as received from the registrars in their respective wards, shall be deposited with the clerk of the city, to be preserved among its records.

After the printed lists hereinbefore required have been prepared, the inspectors of elections in the several wards shall not receive at said election the vote or ballot of any person offering to vote whose name does not appear on the registration list of that ward, as furnished by the sheriff, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of section five of this act, to be by them then and there cancelled, or who does not, on demand, make satisfactory proof of his identity with the person whose name may be on said registration list, and who he claims to be. For the purpose of such election, the list furnished by the sheriff and hereinbefore designated as the official list, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list of the ward, which for that purpose shall be in the custody of the inspectors at the time and place where the polls are held. Upon the receipt of any vote by the inspectors at any such election, they shall forthwith draw a red line over the name on the official registration list of the person in whose right such vote is claimed to be given.

SEC. 9. *Be it further enacted*, That any person offering to vote at any municipal election in Mobile may be challenged by either of the inspectors, or by any qualified elector; and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath: You do swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector. The inspectors, or one of them must examine him as to his qualifications under this act; they may also receive proof as to his qualifications, other than the oath of the challenged party, and must admit or reject his ballot, as his right may be shown; and if any person refuses to take the oath as above, or to answer any of the questions propounded, except such as may tend to criminate himself, his vote must be rejected. Challenges.

SEC. 10. *Be it further enacted*, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or attempts to cast a vote to which he is not entitled, or thereby obtains registration False personation.

as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration; or, after having once voted at such election, votes a second time, or attempts to vote a second time, whether in the same ward or any other, or shall falsely cause his name to be registered by a person entitled to vote when he is not so entitled, or shall falsely attempt to do so; or, after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or any other name, or whether in the same ward or another; or shall aid or assist another not so entitled, knowing him to be not so entitled to vote, or to obtain registration as a voter, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for the space of not less than six months, nor more than one year.

Penalty.

Polls.

SEC. 11. *Be it further enacted*, That at all municipal elections in Mobile the polls shall be opened between the hours of 8 and 9 A. M., and be kept open till 5 o'clock P. M., and not longer.

Time of election.

SEC. 12. *Be it further enacted*, That the election for municipal officers in the city of Mobile shall be held on the first Tuesday after the third Monday of December, 1874, and on that day in each year thereafter in which elections for such officers, or any of them, are by law required to be held. The officers so elected shall hold their respective offices for the term prescribed by law, and till their successors are elected and qualified, from the first day of January next succeeding their said election.

SEC. 4. *Be it further enacted*, That all laws and parts of laws, regulating the election of municipal officers in the city of Mobile, in conflict with the provisions of this act be and the same are hereby repealed.

Approved November 28, 1874.

No. 366.]

AN ACT

To fix the time for holding the next election for municipal officers in the city of Selma.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the next election for municipal officers in the city of Selma shall be held on Monday, the 24th day of May, 1875, and not at the time provided by the existing law; *Provided, however,* If said election is not held on that day, it shall be held as soon thereafter as practicable, on a day to be fixed by the city council; but all other elections shall be held at the time now prescribed by law, or as soon thereafter as practicable. Election fixed.

Approved March 17, 1875.

No. 367.]

AN ACT

To change the name of an election precinct in Russell county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the election precinct heretofore known as Traywick's Cross Roads, in Russell county, be and the same is hereby changed to Houston's Cross Roads. Name of precinct changed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 19, 1875.

No. 368.]

AN ACT

To establish a new precinct and form a new beat in the county of Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That a new precinct be and is hereby established at the present residence of Henry P. Reese, in the county of Tuscaloosa, and that a new beat be and is hereby formed in said county out of the following terri- Precinct established.

tory, viz: All of township nineteen (19), range eleven (11), west, and all that part of township (19) nineteen, range twelve (12), west, lying east of the Sipsey river.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 25, 1875.

No. 369.]

AN ACT

To regulate the election of beat officers in Choctaw County.

Elections, how
held for certin
beat officers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter in all elections in the county of Choctaw, where there are two or more election precincts in the same beat, that elections shall be held at each of said precincts for beat officers for said beat; *Provided*, That nothing contained in this act is to be construed as authorizing any person to vote outside of his own beat for such beat officers.

SEC. 2. *Be it further enacted*, That all laws and parts of laws now in force contrary to the provisions of this act be and the same are hereby repealed so far as the same relates to Choctaw county.

Approved March 15, 1875.

No. 370.]

AN ACT

To provide for the election of a town marshal in the town of Athens, Limestone county.

Marshal elect-
ed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, an election for marshal of the town of Athens, Limestone county, shall take place at the same time that the election for mayor and councilmen of said town is held, and that the election of said marshal shall be governed and regulated in all respects by the laws of the charter of said town now governing the election of said mayor and councilmen.

How conduct-
ed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved January 18, 1875.

No. 371.]

AN ACT

To establish an election precinct in the county of Madison known as precinct number fourteen.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all general and special elections to be holden in the county of Madison after the passage of this act, it shall be the duty of the court of county commissioners to order that a box be opened at some central point within the following described boundary, to-wit: Beginning at the south-west corner of section twenty-four in township one of range two east, the basis meridian Huntsville, Alabama; thence east to the Jackson county line, thence in a northerly direction with said line to the Tennessee line, thence west with the Tennessee line to the half-mile line of section one in township one of range two east, the basis meridian Huntsville; thence south to the centre of said section, thence west a half mile, thence south to the beginning, which shall be known as precinct number fourteen.

Approved December 17, 1874.

No. 372.]

AN ACT

To provide for the election of two county surveyors in the county of Calhoun.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Calhoun county are hereby authorized and empowered to elect two county surveyors, whose term of office shall hold until the next general election, and that any law conflicting herewith is hereby repealed.

Approved February 19, 1875.

No. 373.]

AN ACT

To authorize the county surveyor of Covington county to appoint a deputy surveyor, and also to define the duties of the county surveyor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county surveyor of Covington county be empowered to appoint a deputy surveyor, and that the deputy surveyor be required to take the oath of said office and give bond to the county surveyor, and that the county surveyor have the right and power to remove said deputy at any time in default of duty, and that the said deputy shall receive the same fees as the county surveyor.

SEC. 2. *Be it further enacted,* That the county surveyor of Covington be required to keep a book of record of all his surveyings, to be referred to at any time by (any) person or persons.

Approved February 19, 1875.

No. 374.]

AN ACT

To authorize the Commissioners Court of Fayette county to elect or appoint two county surveyors.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Fayette county are hereby authorized and empowered to elect or appoint two county surveyors, whose term of office shall be the same as now required by law, and whose compensation shall be as now regulated by law.

Approved February 20, 1875.

No. 375.]

AN ACT

To authorize and empower the Commissioners Court of Chilton county to levy a special tax to pay the indebtedness of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of the county of Chilton be and is hereby authorized and empowered to levy a special tax upon all the property, both real and personal, in said county of Chilton, for the purpose of paying the indebtedness of said county; *Provided,* Said commissioners court shall not levy a tax of more than one-half of one per cent. on the dollar for that purpose.

Authority to
levy special tax
to discharge
indebtedness
of county.

Approved February 23, 1875.

No. 376.]

AN ACT

To provide for the liquidation of the unpaid claims against the county of Coosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of liquidating the unpaid claims against the county of Coosa, the court of county commissioners of said county be and they are hereby authorized to levy, as a sinking fund for said county, a special tax, not to exceed one-fourth of one per cent., annually, on the real and personal property in said county, and that said sinking fund be assessed and collected in said county as the State and county taxes are collected.

Authority to
create a sink-
ing fund by
levy of special
tax.

SEC. 2. *Be it further enacted,* That when said sinking fund is collected the county treasurer shall keep it separate and apart from all other funds in the treasury.

Kept separate
and apart.

SEC. 3. *Be it further enacted,* That said court of county commissioners shall, at the August term of said court in each year, estimate the amount which will probably be realized and paid into the treasury of said county under section one of this act, and also the amount of the indebtedness of said county, and shall instruct the county treasurer what per cent. to pay out of said sinking fund upon the properly audited claims against said

Duty of com-
missioners
court.

county, and which are not especially made preferred claims against said county by laws now in force, estimating the per cent. which they direct the county treasurer to pay, according to the proportion which said sinking fund is to the amount of indebtedness of said county for the year in which the estimate is made.

How applied. SEC. 4. *Be it further enacted*, That the taxes collected under the provisions of this act shall be applied exclusively to the payment of the outstanding warrants against said county, issued prior to the first day of January, 1875.

Limitation of act. SEC. 5. *Be it further enacted*, That this act shall only remain in force until the indebtedness of said county, accruing prior to the first day of January, 1875, shall have been paid.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 15, 1875.

No. 377.]

AN ACT

To authorize the court of county commissioners of Elmore county to levy a special tax to pay off and cancel the indebtedness of said county.

Authority to levy special tax to pay debt of county. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Elmore county be and they are hereby authorized and required to levy a tax of one-fourth of one per cent. on the value of real and personal property, subject to taxation in said county, in addition to the county tax now authorized by law, which additional tax shall be assessed and collected as other county taxes are now assessed and collected, and which additional tax shall be paid over to the county treasurer of said county, and kept separate and apart from the other revenue of said county, except as hereinafter provided, and shall be appropriated to the extinguishment of the indebtedness of the county.

Disbursed by order of county commissioners. SEC. 2. *Be it further enacted*, That the court of county commissioners of said county be and they are hereby authorized and empowered to order the disbursement and application of said funds in such manner as they

may deem most to the interest of said county, in the payment and cancellation of any or all of the indebtedness of the same.

SEC. 3. *Be it further enacted*, That the court of county commissioners of said county, or the county treasurer thereof, when paying any such claims, shall cause to be endorsed thereon the amount so paid on said claims.

SEC. 4. *Be it further enacted*, That all laws in conflict with the provisions of this act are hereby repealed.

Approved March 18, 1875.

No. 378.]

AN ACT

To authorize the court of county commissioners of Henry county to levy a special tax to pay the registered debt of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Henry county are hereby authorized and empowered to levy a special tax, not to exceed one-fourth of one per cent., to be assessed and collected as other county taxes. Authority to levy special tax to pay registered debt of county.

SEC. 2. *Be it further enacted*, That the money assessed and collected, as provided in the preceding section of this act, shall be applied exclusively to the payment of claims against said county of Henry, which are at the date of the approval of this act, duly registered by the county treasurer of said county, and when all of said claims are paid, no further assessments of any taxes under this act shall be made.

SEC. 3. *Be it further enacted*, That the money raised under the provision of this act shall not be used by the treasurer of said county for any other purpose than that set forth in this act, and shall be liable on his official bond for the disbursements of said money strictly in accordance with the provisions of this act. How money shall be used.

Approved February 25, 1875.

No. 379.]

AN ACT

To repeal an act entitled An act to authorize the commissioners court of Shelby county to levy a special tax from year to year to pay off the present indebtedness of said county, approved November 28, 1871.

Repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled An act to authorize the commissioners court of Shelby county to levy a special tax from year to year to pay off the present indebtedness of said county, approved November 28, 1871, be and the same is hereby repealed.

Approved March 18, 1875.

No. 380.]

AN ACT

To reduce the per diem of the county commissioners of Winston county, and to authorize the commissioners court to levy a special tax to pay off the commissioners court and to purchase blank records and stationery for the use of said court.

Compensation
of officers.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the judge of probate, while presiding in the court of county commissioners and keeping the minutes, shall receive two dollars per diem, and no more, and each county commissioner shall receive one dollar and fifty cents per diem and the same amount of mileage now allowed by law.

Authorized to
levy a special
tax.

SEC. 2. *Be it further enacted,* That the court of county commissioners of Winston county, be and they are hereby authorized to levy a special tax, as in their judgment may be sufficient to pay off the commissioners court, and to pay for blank records and stationery for the use of said county, not to exceed twenty per cent. on the State tax; said tax to be assessed and collected at the same time other taxes are assessed and collected.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and

the same are hereby repealed, so far as the same relate to Winston county.

Approved March 15, 1875.

No. 381.]

AN ACT

To authorize the Court of County Commissioners of Barbour county to compromise and settle the indebtedness of said county issued in payment of stock subscribed by said county to the Vicksburg and Brunswick Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Barbour county be and they are hereby authorized and empowered to negotiate and compromise the indebtedness of said county with the owners and holders of any of the bonds and coupons which were issued by said county in payment of its subscription to the stock of the Vicksburg and Brunswick Railroad Company, or with the holder and owner of any judgment which may be obtained against said county on any of said bonds or coupons which were attached thereto, the amount of such compromise settlement or agreement to be paid by said county in the manner hereinafter subscribed, and any settlement of said indebtedness or any part thereof which may be made by said court of county commissioners with any of said creditors in accordance with the provisions of this act upon said county and upon said creditors. Authority to compromise indebtedness.

SEC. 2. *Be it further enacted,* That whenever any settlement shall have been agreed on by said court and said creditors, or any of them, the amount to be paid to each creditor shall be divided into not less than ten nor more than twenty equal annual installments; and it shall be the duty of said court of county commissioners to have prepared and issue to such creditors certificates of indebtedness, in sums not less than fifty nor more than one hundred dollars, to the full amount of the sum agreed to be paid in compromise, and the certificates which may be issued to any one creditor shall be divided into not less than ten nor more than twenty equal parts, the first part or installment of which Certificates of indebtedness issued.

shall become due and payable on the first day of January next succeeding the date of such settlement, and the other installments falling due successively on the first day of January of each succeeding year until all are due; said certificates of indebtedness shall be signed by the probate judge and treasurer of said county, but none of them shall be delivered to any creditor until such creditor shall have first surrendered the bonds or coupons, or shall have satisfied the judgment which he may have obtained for which he has agreed to receive said certificates; *Provided, however,* That the whole amount of certificates issued under the provisions of this act shall not exceed the amount of the principal of said bonds now outstanding against said county; *And provided,* That no settlement or compromise shall be made or certificates issued for any portion of said indebtedness at a rate greater than that herein above mentioned, viz: in the proportion which the principal of said bonds shall bear to a total amount of said indebtedness, including principal and interest.

Transferable
by delivery.

SEC. 3. *Be it further enacted,* That the certificates of indebtedness issued under the provisions of this act shall be transferable by delivery, and shall be received for all taxes due said county for the year immediately preceding their maturity, or for taxes accruing after maturity of said certificates, except any special tax which may be levied by said court for any other purpose than the payment of such certificates.

Required to
levy speci'l tax
How applied.

SEC. 4. *Be it further enacted,* That it shall be the duty of said court of county commissioners, and they are hereby required to levy annually a special tax, not to exceed one per centum upon the assessed value of all the real and personal property subject to taxation in said county, for the payment of said certificates as they may fall due; and all the money arising from such tax shall be kept separate and apart from all other moneys by the treasurer of said county, and shall be applied and used exclusively for the payment of such certificates; and if in any year there remains in the county treasury any balance of money arising from said tax after the payment of all the certificates which have become due, the court of county commissioners may use the same in buying, at such discount as they may be able to obtain, other of said certificates which have not become due.

How applied.

SEC. 5. *Be it further enacted,* That the said court of

county commissioners shall cause a register to be made and kept of all the certificates which may be issued under the provisions of this act, showing the number, amount, date of issuance and maturity of each one, and to whom issued; and whenever any of said certificates shall have been paid an entry to such effect and showing date of payment shall be made on such register. Said court shall also provide for the cancellation or destruction of all the bonds and coupons which may be received in exchange for certificates under the provisions of this act, and shall cause a record of the same, showing number and amount of the bonds and coupons so cancelled or destroyed and the date of such cancellation or destruction, to be made and entered on the minutes of said court.

Registration of
certificates.

SEC. 6. *Be it further enacted*, That no expense other than such as may be incurred for printing the certificates herein provided for, and for purchasing a book for registration of the same, shall accrue or be allowed against said county in executing the provisions of this act.

Approved March 20, 1875.

No. 382.]

AN ACT

To authorize the Court of County Commissioners of Chambers, Lee, Randolph and Tallapoosa counties to compromise and settle the bonded indebtedness of said counties issued in payment of stock subscribed by said counties to railroad companies.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners respectively of the counties of Chambers, Lee, and Randolph and Tallapoosa be and they are hereby authorized to appoint some suitable agent, who shall be a resident citizen of the county for which he shall have been appointed, and who shall have power to compromise with the holders and owners of the bonds of said county issued in payment of the stock subscribed to railroad companies, and the coupons on said bonds, and the payments rendered in favor of the holders of said coupons. And in the event the agent of either of said counties appointed under authority of this act shall effect a com-

Authority to
compromise
bonded indebt-
edness.

Compromise
satisfied by
commissioners
court and ap-
proved by the
taxpayers rep-
resenting one-
half of the tax-
able property
of the county.

promise with the holders and owners of said liabilities of the county for which he was appointed, he shall cause the agreement and compromise so made to be reduced to writing, and signed by himself and the holders and owners of said bonds, coupons and judgments. The said agent shall then deliver said written agreement to the court of county commissioners by which he was appointed, at either a special or regular term of said court. And if said court shall approve of said agreement and compromise they shall enter such approval on the records of said court, together with a copy of said agreement. Said agreement shall then be submitted to the tax payers of the county to be effected by the said compromise, and if the same shall be approved by the tax payers representing one-half of the taxable property of said county, to be determined by the assessment of the year next preceding the execution of said agreement, then said compromise shall be binding upon said county and the holders and owners of said bonds, coupons and judgments, and said approval by the tax payers shall also be entered on the records of said court.

Duty of court
of county com-
missioners.

SEC. 2. *Be it further enacted*, That as soon after the execution, recording and approval of said compromise provided for in section one of this act as may be practicable, at either a regular or special term of said court, the said court of county commissioners shall divide the amount so agreed upon in said compromise into not less than five nor more than fifteen annual installments, one of which shall be due and become payable on the first day of January of each year thereafter until all shall become due, and shall issue certificates of indebtedness in sums of one hundred dollars each in payment of said installments, which certificates shall be signed by the probate judge and countersigned by the treasurer of the county entering into said compromise, and shall be properly numbered and a record thereof kept by the county treasurer. The said certificates for the first installment shall become due and made payable at the office of the county treasurer on the first day of January after said compromise has been perfected, and those for the other installments shall become due and made payable in like manner on the first day of January of each year thereafter until all shall have been paid.

SEC. 3. *Be it further enacted*, That on the delivery to the judge of probate of the county so effecting the com-

promise provided for in this act of said bonds, coupons and judgments satisfied by the owners thereof, said judge of probate shall deliver the certificates of indebtedness herein before provided for in exchange therefor to the said owners as they shall be entitled to the same in accordance with said compromise. Duty of probate judge.

SEC. 4. *Be it further enacted*, That said certificates of indebtedness shall be receivable in payment of all taxes due said counties for the year next preceding the time they shall become due.

SEC. 5. *Be it further enacted*, That the court of commissioners of the county entering into said compromise be and they are hereby authorized and required to levy a special tax each year on the taxable property of said county as shall be sufficient to pay said certificates of indebtedness, not to exceed one per cent. on the value of said property, and do and perform all such other acts as may be necessary to carry into effect said agreement and settlement not inconsistent with the provisions of this act. Special tax levied annually

Approved March 17, 1875.

No. 383.]

AN ACT

To amend section five of "An act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county," approved April 18, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section five of "An act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county," which is as follows: "Sec. 5. *Be it further enacted*, Act recited.
That the county treasurer of said county shall keep said county sinking fund tax, as provided herein, separate from all other funds, and that he is hereby authorized and required to pay out of said county sinking fund tax, claims known as the general fund against said county, to the holders thereof in the order which the said claims are registered, beginning with the claims first registered ;

Amendment.

and that said treasurer is authorized to give such notice as he deems proper to carry out the intent of this act,"— be so amended as to read as follows: Sec. 5. Be it further enacted, That the county treasurer of said county shall keep said county sinking fund tax, as provided herein, separate from all other funds, and that he is hereby authorized and required to pay out of said county sinking fund tax, claims known as the general fund against said county, to the holders thereof, in the order which the said claims are registered, beginning with the claims first registered; and that said treasurer is authorized to give such notice as he deems proper to carry out the intent of this act; *Provided, however,* When the treasurer shall give thirty days notice that he will pay up to a certain number of said registered claims, then any claim or claims embraced therein that shall not be presented to the treasurer within the thirty days from the time said notice is first published, the treasurer shall proceed and pay the claims next registered in the order in which they are registered as provided in this act; *And provided further,* That any claim embraced in the notice of the treasurer that shall not be presented for payment in six months from said notice shall be registered, and then said claim or claims so registered shall stand for payment according to said second registration and number.

Approved February 2, 1875.

No. 384.]

AN ACT

To authorize the court of county commissioners of Tuscaloosa county to issue bonds to pay claims against the county.

Preamble.

WHEREAS, the court of county commissioners of Tuscaloosa county has contracted a considerable indebtedness against the county over and above its present bonded debt, which is now in the hands of *bona fide* holders in the form of claims allowed by said court of county commissioners; and whereas, the rate of taxation for county purposes for the fiscal year 1874 was unwisely reduced by said court in September last, leaving no power in said court at present to pay off and discharge

said claims; and whereas, the annual interest on the bonded debt of the county will become due and payable on the first day of April next, with no means at command to meet it; therefore—

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Tuscaloosa county be and it is hereby authorized and empowered to issue the bonds of the county for a sum not exceeding ten thousand dollars, having not more than ten years to run, bearing eight per cent. interest, payable annually at such place as such commissioners court may designate. Said bonds shall be in sums not less than one hundred dollars, or the multiple of one hundred dollars, to be signed by the judge of probate, and countersigned by the county treasurer of said county; and are to be given in exchange for all dues and claims allowed by the said court of county commissioners against the county, or sold at not less than their par value, to pay said dues and claims, or the interest on the bonded debt of the county. Authority to issue bonds.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 13, 1875.

No. 385.]

AN ACT

To authorize the court of county commissioners of Wilcox county to levy a special tax to enclose the court-house of said county, and to furnish and repair said court-house.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Wilcox county be and it is hereby authorized and empowered to levy a special tax in said county, for the purpose of enclosing the court-house of said county and furnishing and repairing said court-house; said special tax not to exceed one-twentieth of one per cent. of the State tax of said county. Special tax authorized.

SEC. 2. *Be it further enacted,* That said tax shall not

be levied for more than two years, after which time the power given by this act shall expire.

Approved February 19, 1875.

No. 386.]

AN ACT

To authorize the mayor and aldermen of the city of Tuscaloosa to issue bonds of said city in compromise of a certain chancery suit, to which said city is a party, in the chancery court for the sixth district of the western chancery division of Alabama.

Preamble.

WHEREAS, a certain chancery suit, instituted in the chancery court for the sixth district of the western division of Alabama, wherein the mayor and aldermen of the city of Tuscaloosa were complainants, and A. C. Hargrove, as administrator of the estate of Robert Jemison, jr., deceased, W. A. C. Jones, and others, were defendants, which said suit was brought to enjoin a suit at law on certain bonds of said city, and to cancel them, has been compromised and arranged by and between the said parties litigant, and a consent decree entered of record in said cause, at the June term of said court; and whereas, the said mayor and aldermen of the city aforesaid are anxious and desirous to comply with the terms of said compromise, and to execute the terms of said consent decree; therefore—

Authority to
issue bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and aldermen of the city of Tuscaloosa be and they are hereby authorized and empowered to issue the negotiable bonds of said city in the sum of five thousand dollars, of the denominations and dates, and bearing interest as agreed on in the consent decree entered of record in the cause described in the preamble.

Approved February 10, 1875.

No. 387.]

AN ACT

To amend section one of "An act to define the pay of jurors of Crenshaw county, and to authorize the commissioners court to levy a special tax to pay the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of the aforesaid act, which reads as follows: "That jurors, both grand and petit, of Crenshaw county shall be entitled to receive one dollar and fifty cents per day for each day's service, and no more; and the commissioners court are hereby authorized to levy a special tax to pay the same, which must be set apart for that purpose, and no other,"—be amended so as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama*, That jurors, both grand and petit, of Crenshaw county shall be entitled to receive two dollars per day for each day's service, and no more; and the commissioners court are hereby authorized to levy a special tax to pay same, which must be set apart for that purpose, and no other. Section repealed
Amendment.

SEC. 2. *Be it further enacted*, That said section one, as it stood before the passage of this act, be and the same is hereby repealed.

Approved February 10, 1875.

No. 388.]

AN ACT

To authorize the commissioners court of Clay county to provide a pauper fund for said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in addition to the State and county taxes now allowed by law, the court of county commissioners of the county of Clay, be and they are hereby authorized to levy and collect a special tax, not to exceed ten per cent. on the State tax of said county, which sum shall only be used as a pauper fund, and for no other purpose. Auth
levy a
tax for
pauper
fund.

SEC. 2. *Be it further enacted*, That the said special tax shall be assessed and collected at the same time and un-

der the same rules and regulations as the taxes now allowed by law.

Approved February 20, 1875.

No. 389.]

AN ACT

To the better provide for the maintenance of the paupers of Lee county.

Certain amo't
set apart as a
pauper fund.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of the county of Lee, be and are hereby authorized to set aside the sum of eight hundred dollars out of the general funds of the county, to be known as the pauper fund, which amount shall be used and appropriated as the paupers fund of said county is now used and appropriated.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 23, 1875.

No. 390.]

AN ACT

To create a pauper fund for Randolph county.

May levy a spe-
cial tax.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Randolph county be and they are hereby authorized to levy a special tax on the State tax of said county, not to exceed twenty-five per cent., to be set apart and appropriated as a pauper fund.

Approved March 4, 1875.

No. 391.]

AN ACT

To authorize the commissioners court of Limestone county to pay the solicitor of said county a salary.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Limestone county, whenever in its discretion it sees fit so to do, is hereby authorized to provide for the payment of a salary, not to exceed one hundred and fifty dollars, to the county solicitor of Limestone county, out of the general funds of said county, which compensation shall be in addition to the fees now allowed said officer by law. Salary of solicitor of Limestone county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved March 18, 1875.

No. 392.]

AN ACT

To authorize the commissioners court of Marengo county to purchase and pay for an iron cell for the county jail of said county out of any moneys in the county treasury.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Marengo county be and the same is hereby authorized and empowered to purchase an iron cell for the jail of said county, and to order payment for the same out of any moneys in the treasury of said county, upon presentation of the warrant of the judge of probate for the proper amount, to the treasurer of said county, any law to the contrary notwithstanding. Authority to purchase iron cell.

Approved March 4, 1875.

No. 393.]

AN ACT

To authorize and empower the commissioners court of Walker county to make a certain appropriation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of roads and revenue of Walker county, Alabama, be and they are hereby authorized and empowered, if in their discretion they think advisable, to appropriate the sum of four hundred and eighty dollars, (\$480 00), or such other amount not to exceed said sum, as in their judgment may be just and equitable, out of any funds in the treasury of said county, not otherwise appropriated, to the heirs of Moses Carnak, deceased, late of said county, for building a certain public bridge over Blackwater Creek, in said county; *Provided,* That this act shall not be so construed as to authorize said court to make a special levy to pay such claims if allowed.

Authority of
commissioners
court of Wal-
ker county to
appropriate an
amount not ex-
ceeding \$480.

SEC. 2. *Be it further enacted,* That said appropriation shall not be made until the heirs of said deceased shall have filed their written consent in the office of the probate judge of Walker county, to stand to and abide by the action of said court in said matter.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 4, 1875.

No. 394.]

AN ACT

Relating to tax on cattle and other stock in Washington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all cattle and other stock herded or running in the range in Washington county, which belong to persons residing out of this State, shall be subject to taxation to the same extent as though the owner or owners thereof resided in Washington county.

Approved March 19, 1875.

No. 395.]

AN ACT

To compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes in payment of taxes due to said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be the duty of the tax collector of said county of Lowndes to receive in payment of all taxes due to said county all certificates issued to grand and petit jurors of said county, and all warrants drawn on the county treasury of said county of Lowndes by any officer authorized by law to draw such warrants, which have been registered as required by law; and any tax collector of said county who shall refuse to receive such certificates or warrants in payment of any taxes due to said county, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail of the county, or put to hard labor for said county not exceeding six months, at the discretion of the court trying the same. Certificates issued to jurors receivable in payment of taxes due the county. Penalty.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, in so far as they apply to said county of Lowndes.

Approved March 6, 1875.

No. 396.]

AN ACT

To authorize W. G. Gravlee to erect a milldam across the Warrior river.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That W. G. Gravlee be and he is hereby authorized to erect a milldam across the Warrior river, between the ford on the Elyton road and the mouth of Blackwater Creek, in Walker county; said dam not to exceed six and one-half feet in height. Authority to erect mill dam.

SEC. 2. *Be it further enacted,* That all laws and parts

of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 1, 1875.

No. 397.]

AN ACT

To declare Pea River, between Russell's and Winslow's Bridges, in Coffee county, a lawful fence.

Whereas,

WHEREAS, The banks of Pea river are high, and by common consent of all parties interested on either side of said river, have long used and treated said river as a fence, a protection against the depredations of hogs and other stock ; and whereas, the residents and land owners between Russell's and Winslow's bridges desire permanent protection of said river as a lawful fence ; therefore

Pea river declared a lawful fence.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage and approval of this act, that Pea river, from Russell's to Winslow's bridges, in Coffee county, shall be and stand as a good and lawful fence for the protection of the farmers and other interests in said boundary, against the depredations of hogs and other stock.

SEC. 2. *Be it further enacted,* That all laws and parts of laws, general or special, in conflict with this act, be and such are hereby, as to Coffee county, repealed.

Approved March 20, 1875.

No. 398.]

AN ACT

To authorize Asa Parker, of Monroe county, to erect two gates across a public road in said county.

Authority to erect two gates across a road.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Asa Parker, of Monroe county, be and he is hereby authorized to erect two gates across the public road leading from Monroeville to Claiborne, in said county, one of said gates to be erected across said road at or near the residence of Willis Parker, and the other at the late residence of said Asa Parker, on said

road; *Provided*, That said Asa Parker shall erect good and substantial gates which shall be hung to or suspended from strong and substantial posts, and keep the same in good repair.

SEC. 2. *Be it further enacted*, That if said Asa Parker or any one claiming under him, shall neglect or refuse for ten days at any time, to keep said gates and posts in good repair, as provided in the first section of this act, all the rights and privileges or immunities granted by this act shall be forfeited, and said gates shall be abolished. Forfeiture.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 19, 1875.

No. 399.]

AN ACT

To authorize Elias Dean to establish a public ferry on Mulberry river, in Blount county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Elias Dean be and he is hereby authorized to establish a public ferry across the Mulberry river, at or near the Baltimore ford, in Blount county. Authority to establish a public ferry.

SEC. 2. *Be it further enacted*, That the said Elias Dean, his heirs and assigns, are hereby authorized to charge and collect the following rates of toll and ferriage, to-wit: for each wagon, buggy, or other vehicle drawn by one horse, mule or ox, twenty cents; for each wagon, buggy, or other vehicle drawn by two horses, mules, or oxen, forty cents; for each wagon or other vehicle drawn by four horses, mules, or oxen, sixty-five cents; for each man and horse, fifteen cents; for each led horse, mule or ox, five cents. Rates of toll.

SEC. 3. *Be it further enacted*, That the court of county commissioners of Blount county shall have full power to change the rates of toll and ferriage at their first meeting after the passage and approval of this act. Commissioners courts have power to change.

Approved December 17, 1874.

No. 400.]

AN ACT

To authorize Mrs. Jane E. O. Campbell to establish a public ferry across the Choctawhatchee river, in the county of Geneva, at or near the junction of the Choctawhatchee and Pea rivers.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mrs. Jane E. O. Campbell, a *feme sole*, Authority to establish a public ferry. be and she is hereby authorized to establish a public ferry across the Choctawhatchee river, in the county of Geneva, at or near the junction of the Choctawhatchee and Pea rivers.

SEC. 2. *Be it further enacted,* That the said Mrs. Campbell is hereby authorized and empowered to charge Rates of ferriage fixed by commissioners of county. and collect such rates of toll and ferriage as may be fixed by the court of county commissioners.

SEC. 3. *Be it further enacted,* That it shall be the duty of the court of county commissioners of said county of Geneva, at its first meeting after the passage of this act, to fix the rates of toll and ferriage to be charged and collected by the said Mrs. Campbell at said ferry.

Approved December 17, 1874.

No. 401.]

AN ACT

To invest the mayor of the town of Scottsboro, in the county of Jackson, with all the powers and authority of a notary public for the said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor of the town of Scottsboro, in the county of Jackson, Mayor invested with jurisdiction of notary public be and he is hereby invested with all the powers and authority and may exercise all the functions, discharge all duties, and be subject to all liabilities of notaries public otherwise appointed under law in said county, during the term of his office as mayor of said town.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved February 23, 1875.

No. 402.]

AN ACT

To repeal an act entitled "An act to enlarge the jurisdiction of the county court of Autauga county," approved April the fourth, eighteen hundred and seventy-three.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to enlarge the jurisdiction of the county court of Autauga county," approved April the fourth, eighteen hundred and seventy-three, be and the same is hereby repealed. Repealing act.

Approved March 6, 1875.

No. 403.]

AN ACT

To repeal an act entitled "An act to abolish the county court of Butler county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to abolish the county court of Butler county," approved on the second day of March, eighteen hundred and seventy-one, be and the same is hereby repealed. Repealing act.

Approved December 17, 1874.

No. 404.]

AN ACT

To fix the time for trial of criminal cases in the circuit court of Choctaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act the clerk of the circuit court of Choctaw county shall issue subpoenas for witnesses in criminal cases to attend on Wednesday of the first week of said court, and the criminal docket shall be taken up and the cases therein tried on and after Wednesday of the first week of said court, and not sooner. Criminal cases tried Wednesday of the first week.

SEC. 2. *Be it further enacted,* That section four thousand two hundred and eighteen of the Revised Code of Repeal.

Alabama be and the same is hereby repealed, so far as the same applies to the circuit court of Choctaw county.
Approved February 10, 1875.

No. 405.]

AN ACT

To fix the jurisdiction of justices of the peace and notaries public in criminal cases in Lauderdale county.

Jurisdiction of justices & notaries public. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That justices of the peace and notaries public in the county of Lauderdale shall have jurisdiction of all misdemeanors, in the same manner and to the same extent as that now possessed and entertained by the county courts of this State.

Appeal. SEC. 2. *Be it further enacted,* That any person may appeal from the court of a justice of the peace or notary public to the circuit court of said county, in the same manner as is now provided by law for appeals from the county courts to the circuit courts of this State, and that all such appeals and proceedings thereon in the circuit court shall be regulated and governed by the laws which regulate appeals taken from the county court.

Approved March 18, 1875.

No. 406.]

AN ACT

To exempt Washington county from the operations of the act entitled "An act to regulate the term of service of jurors," approved 15th March, 1875.

Not applicable to Washington county. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the provisions of an act entitled "An act to regulate the term of service of jurors," approved 15th March, 1875, shall not apply to the county of Washington.

Approved March 18, 1875.

No. 407.]

AN ACT

To make Shrove Tuesday, or the day commonly known as Mardi Gras, a legal holiday in the cities and counties of Mobile and Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, Legal holiday. the day of the year known as Shrove Tuesday in the church calendar, and more commonly called Mardi Gras, shall be made a legal holiday in and for the cities and counties of Mobile and Montgomery, State of Alabama, and subject to all the privileges and enactments granted to other legal holidays of the State.

Approved February 1, 1875.

No. 408.]

AN ACT

To allow principals to give testimony on behalf of their sureties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That when the sureties on any bond or obligation are sued jointly with the principal debtor, and they plead separately, the principal obligor may be a witness for any such surety to prove any transaction or dealing with the person to whom the benefit of such obligation inures, notwithstanding such person is dead; *Provided,* That nothing herein contained shall be construed so as to make the testimony of such witness competent evidence in his own behalf; *Provided further,* That the provisions of this act shall apply alone to the county of Dallas. Principal may be witness for surety.

Approved March 20, 1875.

No. 409.]

AN ACT

To repeal "An act to regulate the mode of drawing grand and petit jurors for Lawrence county."

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to regulate the mode of drawing grand and petit jurors for Lawrence county," approved April the twenty-third, eighteen hundred and seventy-three, be and the same is hereby repealed.

Approved December 17, 1874.

No. 410.]

AN ACT

To repeal an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence," approved March 3, 1870, as to the counties of Shelby, Walker, Chilton, Jefferson, St. Clair, Bibb, Dale, and Lawrence.

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence," approved March 3d, 1870, be and the same is hereby repealed, as to the counties of Shelby, Walker, Chilton, Jefferson, St. Clair, Bibb, Dale, and Lawrence.

Approved February 17, 1875.

No. 411.]

AN ACT

To repeal "An act to regulate legal and other notices in the county of Sanford," approved March 9, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to regulate legal and other notices in the county of Sanford," approved March 9, 1871, be and the same is hereby repealed. Repealing act.
 Approved March 18, 1875.

No. 412.]

AN ACT

To repeal section five (5) of an act entitled "An act to regulate sheriffs and coroners sales in the county of Shelby.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section five (5) of an act entitled "An act to regulate sheriffs and coroners sales in the county of Shelby," approved January 17, 1856, be and the same is hereby repealed. Repealing act.
 Approved December 17, 1874.

No. 413.]

AN ACT

To authorize L. W. Harmon to collect certain taxes in Chambers county.

WHEREAS, The tax collector of Chambers county has resigned his office, and there is no tax collector for said county, and not likely to be any until the second Monday in April; and whereas, a portion of the following taxes are still due and unpaid, to-wit: the tax of three-fourths of one per cent. on the real and personal property of said county for State purposes, and one-half of one per cent. for ordinary county purposes, and a special tax of three-fourths of one per cent. to pay coupons D. of the bonds of said county, issued to liquidate the county indebtedness. Therefore Preamble.

L. W. Harmon
upon giving
bond, &c., em-
powered to
collect taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That L. W. Harmon, on filing his written consent to collect the balance of the taxes enumerated in the preamble of this act, which have not been collected, and entering into bond with good and sufficient securities, in the sum of six thousand dollars, payable to the State of Alabama, and conditioned that he will faithfully discharge the duties that would have devolved upon the tax collector of said county in the collection of the taxes above enumerated, which bond shall be approved by the judge of probate of said county and executed in duplicate, one of which shall be filed in the office of the judge of probate, and the other in the office of the auditor of the State, shall then be authorized and empowered to collect the said taxes in the same manner as if he were the tax collector of said county.

Duties pre-
scribed.

SEC. 2. *Be it further enacted,* That said L. W. Harmon shall be required to perform all the duties and be subject to all the penalties in the collection of the taxes enumerated in the preamble of this act, and all his acts shall have the same force and effect as if he was the tax collector of said county.

Authority to
make sales
conferred.

SEC. 3. *Be it further enacted,* That said L. W. Harmon shall be allowed to make sales of property for taxes on the first Monday in April, 1875, and the first Monday in each month thereafter, and shall be allowed until the first Monday in June, 1875, to settle the State tax with the auditor, and shall be allowed to make a list of insolvencies and errors to the court of county commissioners on the first Monday in April, 1875, which shall be allowed him on his final settlement, the same as if he were the tax collector of said county.

Compensation.

SEC. 4. *Be it further enacted,* That said L. W. Harmon shall be allowed the same fees and compensation for performing the duties required of him under this act as if he were the tax collector of said county.

SEC. 5. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 6, 1875.

No. 414.]

AN ACT

To authorize the assessor of Sumter county to make a new assessment of the property of A. J. Arrington.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax assessor of Sumter county be and he is hereby authorized to reassess the taxes on the property of A. J. Arrington, at a fair and correct valuation, for the year 1874, the valuation and estimate on said property to be made at the date of the original assessment; and that the tax collector of said county of Sumter shall collect the taxes accordingly, as shown to be due on the reassessment. Reassessment authorized.

Approved March 17, 1875.

No. 415.]

AN ACT

To authorize the assessment and the collection of the tax upon the lands belonging to the estate of O. T. Prince, deceased, by the tax assessor and collector of the county of Tuscaloosa, and exempt the same from assessment and collection of tax in the county of Hale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the lands belonging to the estate of O. T. Prince, deceased, of the county of Tuscaloosa, and situated near the line between the counties of Hale and Tuscaloosa, shall be assessed for tax, and the tax thereon collected in the county of Tuscaloosa, and said lands exempt from taxation in the county of Hale. Taxes collected in Tuscaloosa.

Approved December 18, 1874.

No. 416.]

AN ACT

To require the judge of probate of Escambia county to issue a certificate of redemption to Jephtha Blackshear for lands sold at tax sale in 1874, and to require the auditor to erase said land numbers from the book of tax sales in his office.

Certificate of redemption to be issued by probate judge of Escambia county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the probate judge of Escambia county be and he is hereby required to issue to Jephtha Blackshear, of said county, a certificate of redemption for the following described lands, to-wit: the northwest quarter of northwest quarter, and northeast quarter of northwest quarter, and the northwest quarter of northeast quarter of section twenty-three, (23), township two, (2), range twelve, (12), which lands were improperly sold as the property of "owner unknown" for taxes of 1873, after the same had been fully paid by said Blackshear.

Duty of auditor.

SEC. 2. *Be it further enacted,* That the auditor be and he is hereby required, when he has received the certificate of the probate judge of said county of his compliance with the provisions of the first section of this act, to erase said land numbers from the book of tax sales in his office, any law to the contrary notwithstanding.

Approved February 25, 1875.

No. 417.]

AN ACT

To increase the fees of constables of Bullock county.

Constables' fees.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act the fees of the constables of Bullock county in criminal cases be and are the same as is now allowed by law to sheriffs in like cases, any law to the contrary notwithstanding.

Approved March 18, 1875.

No. 418.]

AN ACT

To require the judges of probate of Crenshaw and Covington counties to pay for their own stationery, viz: blanks for recording mortgages, liens and marriage certificates.

SECTION 1. *Be it enacted by the General Assembly of* Alabama, That from and after the passage of this act the judges of probate of Crenshaw and Covington counties shall pay out of their own private funds for their stationery, viz: blanks for recording mortgages, liens and marriage certificates. of Probate judg's of Crenshaw and Covington required to pay for certain articles of stationery.

SEC. 2. *Be it further enacted,* That all laws in conflict with the provisions of this act, are hereby repealed.

Approved February 13, 1875.

No. 419.]

AN ACT

To consolidate the offices of clerk of the circuit court and county treasurer of the county of Fayette.

SECTION 1. *Be it enacted by the General Assembly of* Alabama, That the officers of clerk of the circuit court and county treasurer of the county of Fayette be and the same are hereby consolidated; *Provided,* The same shall not take effect until after the expiration of the term of office of the present treasurer of said county. Offices consolidated.

SEC. 2. *Be it further enacted,* That at the next election for county officers in the county of Fayette, there shall be no election for a county treasurer, but the clerk of the circuit court shall be elected to perform all the duties now required by law of county treasurers, and shall be required to give bond as county treasurers in other counties.

SEC. 3. *Be it further enacted,* That after the consolidation takes place, no *ex officio* fees or extra allowance shall be made to said clerk, either as clerk or county treasurer. No extra fees allowed.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in contravening the provisions of this act, be and the same are hereby repealed.

Approved March 8, 1875.

No. 420.]

AN ACT

To consolidate the offices of tax collector and sheriff of the county of Fayette.

Offices consoli-
dated.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the offices of tax collector and sheriff in the county of Fayette be and the same are hereby consolidated; *Provided,* The same shall not take effect until after the expiration of the term of the present tax collector in said county.

Bond.

SEC. 2. *Be it further enacted,* That at the next election for county officers in the county of Fayette, there shall be no election of a tax collector; but the sheriff shall be elected to perform all the duties now required by law of the tax collector, and said sheriff shall be required to give bond as collectors in other counties.

No extra fees
allowed.

SEC. 3. *Be it further enacted,* That after the consolidation takes place, no *ex officio* fees or extra allowances shall be made to said sheriff, either as sheriff or as tax collector.

SEC. 4. *Be it further enacted,* That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved March 18, 1875.

No. 421.]

AN ACT

To fix the compensation of the members of the court of county commissioners in and for the county of Hale.

Compensation

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That each member of the court of county commissioners in and for the county of Hale shall receive the sum of three dollars per day for each day's actual attendance upon the sessions of said court, and five cents per mile in going to and returning from said court.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 20, 1875.

No. 422.]

AN ACT

To relieve the counties of Montgomery, Chambers, Sumter, Lee and Choctaw from payment of costs in proceedings against defaulting jurors and witnesses.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the counties of Montgomery, Chambers, Sumter, Lee and Choctaw shall not be liable for costs in proceedings had before any court held in said county against defaulting jurors and witnesses; *Provided,* That nothing in this act shall be construed to give or take away a right to charge the county with costs in cases where a defaulting juror or witness is brought before the court by attachment, it being the true intent and meaning of this act to leave the costs in such cases of attachment to stand as if this act had never passed. Relieved from paying costs.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 20, 1875.

No. 423.]

AN ACT

To allow constables in Pike county the same compensation as is now allowed sheriffs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, constables and marshals appointed by notaries public in the county of Pike shall be allowed the same compensation for serving processes outside the limits of their respective beats as is now allowed sheriffs for similar services. Compensation of constables and marshals.

Approved February 1, 1875.

No. 424.]

AN ACT

To increase the fees of constables in beat number eight in the county of Sanford.

Fifty per cent.
increase.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the fees of constables in beat number eight, in the county of Sanford, be and are hereby increased fifty per cent. over and above the fees now allowed by law.

SEC. 2. *Be it further enacted,* That all laws of a general character in conflict with this act be and are hereby repealed so far as the above beat is concerned.

Approved February 13, 1875.

No. 425.]

AN ACT

To define and fix the *ex officio* fees of the sheriff and circuit Clerk of the county of Walker.

Ex officio fees
of sheriff and
clerk.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the sheriff of the county of Walker shall be allowed one hundred and fifty dollars as *ex officio* fees, and no more, to be paid in lieu of the *ex officio* fees allowed in section three thousand five hundred and eighteen of the Revised Code of Alabama; and the circuit clerk of the said county of Walker shall be allowed fifty dollars, and no more, as *ex officio* fees allowed in section three thousand five hundred and fourteen of the Revised Code of Alabama.

SEC. 2. *Be it further enacted,* That the fees allowed in section one of this act shall be a special claim upon the county treasurer of said county of Walker, for which the commissioners court of said county shall make a special appropriation from the treasury of said county to pay said fees.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed, so far as the same relates to the said county of Walker.

Approved January 26, 1875.

No. 426.]

AN ACT

To authorize the sheriff of Washington county, by virtue of his office, to collect the State and county taxes, and perform generally all the duties which by law are now required of the tax collector of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sheriff of Washington county shall, *ex officio* and by virtue of his election and qualification as sheriff of said county, be the tax collector of said county; but this act shall not be so construed as in any way to interfere with the duties of the present incumbent in the office of tax collector in Washington county, and shall take effect immediately after the expiration of the term of office of the present incumbent. Sheriff authorized to collect taxes.

SEC. 2. *Be it further enacted,* That before said sheriff shall enter upon the duties of tax collector, as is provided for by this act, he shall execute a bond in such an amount and upon such conditions as is now provided by law providing for bonds of tax collectors. Bond.

Approved February 10, 1875.

No. 427.]

AN ACT

To repeal an act entitled "An act to allow additional compensation to the judge of the probate court of Wilcox county," approved February 19, 1867.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to allow additional compensation to the judge of the probate court of Wilcox county, approved February 19, 1867, be and the same is hereby repealed. Act repealed.

Approved March 19, 1875.

No. 428.]

AN ACT

To limit the ex-officio fees of the judge of probate, clerk of the circuit court and sheriff of Winston county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the judge of probate and sheriff of the county of Winston shall be allowed not exceeding one hundred dollars each, as ex-officio, to be paid in lieu of the ex-officio fees allowed in sections three thousand five hundred and seventeen and three thousand five hundred and eighteen of the Revised Code of Alabama, and the said circuit court clerk of Winston county shall be allowed not to exceed seventy-five dollars for ex-officio fees in lieu of the ex-officio fees allowed in section three thousand five hundred and fourteen of the Revised Code of Alabama, any law in the State to the contrary notwithstanding.

Approved March 15, 1875.

No. 429.]

AN ACT

To more effectually provide for the payment of grand and petit jurors of the county of Washington.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Washington county be and they are hereby required to ascertain what amount of money is necessary to pay the grand and petit jurors of said county each year, and upon the ascertainment of such fact, to levy a special tax upon the taxable property of said county for the purpose of paying for the services of the grand and petit jurors in said county.

SEC. 2. *Be it further enacted,* That the treasurer of said county shall be required to keep as a separate fund from all other funds, the amount of money so paid into the treasury, and that upon the presentation of a certificate of services as grand or petit juror, the treasurer shall pay the same out of the fund so set apart, all laws to the contrary notwithstanding.

Approved February 19, 1875.

No. 430.]

AN ACT

To provide for the payment of witness fees in criminal cases in the county court of Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all cases of misdemeanor which have heretofore been referred by the grand jury of Marengo county to the county court of said county, it shall be the duty of the clerk of the circuit court of said county to furnish to the judge of said county court a list of the witnesses attending before such grand jury in the cases so referred, together with a statement of the amount of the certificate issued to each of said witnesses for his fees for so attending, and of the particular case in which such certificate was issued. Duty of circuit clerk.

SEC. 2. *Be it further enacted,* That it shall be the duty of the judge of said county court, upon a prosecution of such cause being commenced in said court, to tax up said certificate as a part of the costs of said cause, and the same shall be paid as the fees of witnesses attending before the grand jury in cases prosecuted by indictment in the circuit court are paid; *Provided,* That if no prosecution of a cause so referred be commenced in said county court within six months after the discharge of the grand jury referring the same, the fees of the witnesses attending before the grand jury in said cause must be paid as such fees are now paid in cases in which no indictments are found by the grand jury. Duty of county judge.

SEC. 3. *Be it further enacted,* That it shall be the duty of the county court judge of said county, upon application made to him, to endorse upon the certificate of any witness whose fees, under the provisions of this act, become a claim against the county, the facts which make it a good claim against the county.

Approved February 19, 1875.

No. 431.]

AN ACT

To make James Dobbs, of Cherokee, a citizen of Calhoun county.

Dobbs declared a citizen of Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That James Dobbs, who is a liner between the counties of Cherokee and Calhoun, whose domicil and its curtilage is in Cherokee, some seventy yards north of east and west line dividing said counties, which his farm and principal part of his lands are located on the south side of said line, be and he is hereby declared a citizen of Calhoun county, subject to pay taxes and to perform all public duties, and entitled to all the rights and privileges and immunities attaching and appertaining to the citizens of Calhoun county.

Approved February 19, 1875.

No. 432.]

AN ACT

To make M. L. Inzer and O. S. Mapez, residing respectively upon the boundary line between St. Clair and Jefferson counties, and upon the line between Blount and Jefferson counties, citizens of Jefferson county.

Certain citizens declared to be citizens of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That M. L. Inzer, living upon the boundary line between St. Clair and Jefferson counties, and O. S. Mapez, living upon the boundary line between Blount and Jefferson counties, be and the same are hereby declared to be citizens of Jefferson county, with all the immunities, privileges and obligations of citizens of said county.

SEC. 2. *Be it further enacted,* That the tax assessor and tax collector of Jefferson county shall assess and collect the taxes of said M. L. Inzer and O. S. Mapez as in the case of other citizens of Jefferson county.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 20, 1875.

No. 433.]

AN ACT

To declare Wm. M. Green, a liner between Pike and Bullock counties, a citizen of Pike county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Wm. M. Green, a liner between Pike and Bullock counties, be declared a citizen of Pike county. Green declared a citizen of Pike.
 Approved March 15, 1875.

No. 434.]

AN ACT

To declare Milas M. McKay, of the county of Sanford, a citizen of the county of Marion.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Milas M. McKay, now a citizen of the county of Sanford and liner, be and he is hereby made and declared to be a citizen of the county of Marion, and the taxes upon his property, both personal and real, belonging to said Milas M. McKay shall be assessed and collected by the assessor and collector of said county of Marion, and be exempt from taxation in said county of Sanford. McKay, a liner, declared a citizen of Marion.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved February 19, 1875.

No. 435.]

AN ACT

To remove the administration of the estate of John A. Goodson, deceased, from the county of Bibb to the county of Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the administration of the estate of John A. Goodson, deceased, of Bibb county, be and the same is hereby removed from the county of Bibb to the county of Tuscaloosa.

Removal of administration of estate of Goodson.

SEC. 2. *Be it further enacted*, That the jurisdiction now existing in the probate court of Bibb county touching and concerning said estate, and the administration thereof, be and the same is hereby withdrawn from the probate court of Bibb county, and the same is hereby vested in the probate court of Tuscaloosa county; and the laws of the State governing the management of estates, and the liabilities of executors and administrators, and the filing and prosecuting of claims against estates, and suits, actions, and all proceedings in law or equity against executors and administrators shall apply to said estate, as if the said decedent had, at the time of his death, been an inhabitant of the county of Tuscaloosa, as if the probate court of Tuscaloosa county had had original jurisdiction thereof.

Duty of probate judge of Bibb.

SEC. 3. *Be it further enacted*, That upon the production to the probate judge of Bibb county of a certified copy of this act, it shall be his duty to transmit to the probate judge of Tuscaloosa county all the papers in reference to the estate of said decedent on file in his office, together with a transcript of the same, and all the proceedings had in said probate court of Bibb county touching said estate, with the certificate of the genuineness of the said transcript; and all the fees due the probate judge of Bibb county shall be paid before said papers and transcript shall be transmitted to the judge of probate of Tuscaloosa county.

SEC. 4. *Be it further enacted*, That all laws and parts of laws contravening this act be and the same are hereby repealed.

Approved December 18, 1874.

No. 436.]

AN ACT

To authorize the probate judge of Blount county to take jurisdiction of the estate of Stephen Garrett, deceased, late of Etowah county.

Jurisdiction conferred.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the probate judge of Blount county be and he is hereby authorized to take jurisdiction of the administration of the estate of Stephen Garrett, de-

ceased, late of Etowah county, and that he grant letters of administration and do all other things necessary to a final settlement of said estate, any law to the contrary notwithstanding.

Approved March 6, 1875.

No. 437.]

AN ACT

To declare A. D. McNeil, Luke Caley, Wm. Lane, J. M. Crawford, and B. T. Johnson, of the county of Escambia, citizens of the county of Monroe.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That A. D. McNeil, Luke Caley, William Lane, J. M. Crawford, and B. T. Johnson, now citizens of the county of Escambia, and liners, be and they are hereby made and declared to be citizens of the county of Monroe; and the taxes upon the property, both personal and real, belonging to said A. D. McNeil, Luke Caley, Wm. Lane and B. T. Johnson shall be assessed and collected by the assessor and collector of said county of Monroe, and exempt from taxation in said county of Escambia. Declared citizens of Monroe

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 438.]

AN ACT

To authorize the probate judge of Franklin county to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county deceased, notwithstanding the relationship of the judge of said court with the deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the probate court of Franklin county is hereby authorized and empowered to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county deceased, notwithstanding the Jurisdiction conferred.

relationship of the judge of said court with the deceased, any law of this State to the contrary.

Approved February 23, 1875.

No. 439.]

AN ACT

To remove the administration of the estate of Edward Gunter, deceased, from the probate court of Lowndes to the probate court of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the administration of the estate of Edward Gunter, deceased, be and the same is hereby removed to the probate court of Dallas county, and that upon payment by D. C. Smiley, executor of the will of said decedent, Edward Gunter, of the costs heretofore accrued in said estate, the probate judge of Lowndes county shall forward to the probate judge of Dallas, a full and complete transcript of the will of said decedent, and of all orders, proceedings and decrees in the matter of said administration; and upon receipt of said transcript by the probate judge of Dallas county, the administration of said estate shall thenceforth be had solely in said probate court of Dallas, which alone shall have jurisdiction thereof.

Approved February 13, 1875.

No. 440.]

AN ACT

To remove the administration of the estate of Samuel Strudwick, deceased, from the probate court of Hale county into the probate court of Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the administration of the estate of Samuel Strudwick, deceased, be and the same is hereby removed from the probate court of Hale county into the probate court of Marengo county; and the said probate court of Marengo county is hereby vested with as full and complete jurisdiction of the administration of the estate of the said Samuel Strudwick, deceased, as though

he was a resident citizen of said Marengo county at the time of his death.

SEC. 2. *Be it further enacted*, That after the passage of this act, it shall be the duty of the judge of the probate court of said Hale county to make out a transcript of all the proceedings had before said court, in and about the administration of said estate, and enclose the same, with the last will and testament of said decedent, and all of the papers connected therewith, in a package, sealed and directed to the probate judge of said Marengo county, and deliver said package to the order Sophia Strudwick, executrix of said decedent, to be by her delivered to the said judge of probate of Marengo county; and the said executrix shall pay to said judge of Hale county all costs which have accrued up to the date of such delivery on receiving said package.

Approved February 12, 1875.

No. 441.]

AN ACT

To authorize the grant of letters testamentary on the estate of Robert Berney, deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the probate court of Montgomery county be and is hereby authorized and empowered to issue letters testamentary on the estate of Robert Berney, deceased, a citizen of the United States lately resident in Paris, France, who claimed his domicile in said county of Montgomery; and on production of a copy of the will and codicil of said Robert Berney, deceased, duly certified by the consul-general of the United States at Paris, France, said probate court shall admit the same to record as, and for, the last will and testament of said Robert Berney, deceased; and shall thereupon issue letters testamentary thereon to James Berney, one of the executors therein named, without requiring any bond from him as such executor; and the probate of said will as aforesaid, and grant of letters testamentary thereon, shall be to all intents and purposes of the same force and effect as if the said Robert Berney, at the time of his death, had been an inhabitant of said county, and

Authorized to issue letters testamentary.

Certified copy of will admitted to probate.

Without bond.

Force and effect.

his said will and codocil had been duly proven and admitted to probate by said probate court.

Approved February 10, 1875.

No. 442.]

AN ACT

To remove the guardianship of the person and estate of Christopher Serder, *non compos mentis*, from the probate court of Tuscaloosa county to the probate court of Mobile county.

Guardianship
removed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the guardianship of the person and estate of Christopher Serder, found *non compos mentis* by the probate court of Tuscaloosa county in a proper proceeding instituted for that purpose, in which said proceedings Joseph E. Murrell, of Mobile county, was appointed guardian, be and the same is hereby transferred to Mobile county; and the said probate court of Tuscaloosa is hereby authorized and required to remit and transfer to the said probate court of Mobile county all the original papers on file in said probate court of Tuscaloosa county relating to said guardianship, together with copies of all orders and decrees relating thereto, duly certified, under the seal of the said probate court of Tuscaloosa county; and the probate court of Mobile county is hereby vested with as full jurisdiction and authority over the guardianship of the person and estate of the said Christopher Serder, as if the said Christopher Serder had resided in the county of Mobile when the proceedings *de lunatico inquirando* were had against him, and the said Joseph E. Murrell was appointed guardian as aforesaid.

Approved January 26, 1875.

No. 443.]

AN ACT

To authorize Mrs. Ruth M. Gillespie, of the State of North Carolina, to administer upon the estate of A. Monroe Gillespie, in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mrs. Ruth M. Gillespie, of the State of North Carolina, be and she is hereby authorized to administer upon the estate of A. Monroe Gillespie, deceased, in Bullock county, Alabama, upon complying with the administration laws of this State in other respects, any law to the contrary notwithstanding.

Authority to administer upon the estate of Gillespie conferred,

Approved March 6, 1874.

No. 444.]

AN ACT

To authorize James P. Allen as administrator of the estate of Blassengame Nabors, deceased, to sell the land of said estate at public or private sale, without an order of court.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That James P. Allen, as administrator of the estate of Blassengame Nabors, deceased, be and he is hereby authorized and empowered to sell the real estate belonging to the estate of the said Blassengame Nabors, deceased, at private or public sale, as he may deem best for the interest of said estate, without obtaining an order of court therefor; *Provided,* That any sale made by said Allen under the provisions of this act, shall be subject to be governed by sections 2089, 2091, 2092, 2093, 2095 and 2096 of the Revised Code of Alabama, so far as applicable.

Authority to sell lands of deceased at public or private sale.

Proviso.

SEC. 2. *Be it further enacted,* That said Allen, as such administrator, shall report to the probate court of the county of Bibb any sale or sales made by him under the provisions of this act, and all subsequent proceedings as required by the first section of this act shall be had in said probate court of Bibb county.

Must report sale to probate court.

Approved December 8, 1874.

No. 445.]

AN ACT

To authorize the governor to issue a patent to Joseph E. Garlington to certain parcels of land lying and situated in the county of Chambers.

Whereas.

WHEREAS, In the months of May and July of the year 1850, Joseph E. Garlington entered at Montgomery of lands ceded by the United States to the State of Alabama, the following parcels of lands, to-wit: The northeast quarter and the west half of the southwest quarter of section three; the east half of the southeast quarter of section four; the northwest quarter of the northwest quarter of section two, in township twenty-one; and the east half of the southeast quarter of section thirty-five, township twenty-two, all being and lying in range twenty-five, of the county of Chambers; and whereas, the said Joseph E. Garlington has never received the title deeds to said lands to which he holds certificates of entry; therefore

Govern'r must
make "title
deeds."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and is hereby authorized and directed to make and execute to said Joseph E. Garlington "title deeds" to the lands as above enumerated.

Approved February 25, 1875.

No. 446.]

AN ACT

To authorize the governor to issue a patent to Minerva J. Goodwin for the northwest quarter and the southwest quarter of section sixteen, township nine, range three, east, in Marshall county, State of Alabama.

Preamble.

WHEREAS, Ebenezer F. Blakely did, on the twenty-fourth day of March, eighteen hundred and forty-five, purchase from Henry Martin, Robert Long and William C. Harbin, school trustees of township nine, range three, east, in Marshall county, as evidenced by their certificate of purchase, the northwest quarter and the southwest quarter of section sixteen, township nine, range three, east, in Marshall county; and whereas, G. T. Brown, as administrator of the estate of said Ebenezer

F. Blakely, did, on the fifth day of May, eighteen hundred and fifty-eight, transfer said certificate of purchase to John Duvall; and whereas, John Duvall did, on the eighteenth day of April, eighteen hundred and sixty-three, transfer said certificate of purchase to Minerva J. Goodwin; and whereas, John M. McKleroy, superintendent of public instruction, by his certificate of date January the fifteenth, eighteen hundred and seventy-five, did certify the payment of the purchase money, both principal and interest; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and is hereby authorized to issue a patent to Minerva J. Goodwin for the northwest quarter and the southwest quarter of section sixteen, township nine, range three, east, in Marshall county, State of Alabama. Governor to issue patent.

Approved March 6, 1875.

No. 447.]

AN ACT

To authorize the governor to issue a patent to Adrian Krouse for section sixteen, (16), township three, (3), north, range three, (3), east, in Baldwin county.

WHEREAS, Adrian Krouse did, on the eleventh day of August, 1867, purchase from the trustees of said township, as evidenced by their certificates of purchase, the sixteenth section of said township three, north, range three, east; and whereas, the said Adrian Krouse has made payment in full of the purchase for said section; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and he is hereby authorized to issue a patent to Adrian Krouse for section sixteen, township three, north, range three, east, in Baldwin county. Governor to issue patent.

Approved March 18, 1875.

No. 448.]

AN ACT

To authorize the governor to issue a patent to Budley D. Palmer for the southwest quarter of the southwest quarter of section sixteen, township No. eight, of range No. two, west, in Washington county.

Preamble.

WHEREAS, Budley D. Palmer did, on the seventh day of January, 1861, purchase from Daniel Rain and Barton Atkinson, school trustees of township eight, range two, west, Washington county, as evidenced by his certificate of purchase, the southwest quarter of the southwest quarter of section sixteen, township No. eight, range No. two, west; and whereas, the said Palmer has made payment in full of the purchase money therefor, as evidenced by his receipt; therefore

Governor to
issue patent.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be and is hereby authorized to issue a patent to Budley D. Palmer for the southwest quarter of the southwest quarter of section sixteen, township No. eight, range No. two, west, in Washington county.

Approved February 17, 1875.

No. 449.]

AN ACT

To authorize and require the secretary of state to issue to John B. Appleton a patent for sixteenth section lands, in township nine, (9), range seven, (7), east, in DeKalb county, Alabama.

Secretary of
State to issue
patent.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of state be and he is hereby authorized and required to issue to John B. Appleton a patent for the following described lands, situated in the county of DeKalb, State of Alabama, to-wit: Lot No. one, being the northeast quarter of the northeast quarter, and lot No. two, being the northwest quarter of the northeast quarter of section sixteen, (16), in township nine, (9), of range seven, (7), east.

Approved February 13, 1875.

No. 450.]

AN ACT

To authorize and require the secretary of state to deliver to William R. Smith, of Tuscaloosa county, the one hundred copies each of volumes one and two of Smith's condensed Alabama reports, which were delivered to the State by mistake.

WHEREAS, One hundred volumes each, being of volumes one and two, of Smith's condensed Alabama reports, were delivered by mistake to the department of State; and whereas, the Hon. R. K. Boyd, as secretary of state, has given his official receipt for said reports, and is therefore responsible for the same; therefore

Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of state be and he is hereby authorized and required to deliver to William R. Smith, of Tuscaloosa county, the one hundred copies each of volumes one and two, of Smith's condensed Alabama reports, which were delivered to the State department by mistake.

Reports to be delivered to W. R. Smith.

Approved February 2, 1875.

No. 451.]

AN ACT

To authorize and empower the auditor of this State to settle the accounts of George W. Garmany, late tax collector of Etowah county, for the year 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor of this State be and he is hereby authorized and empowered to settle the accounts of George W. Garmany, late tax collector for the county of Etowah, in said State, for the year 1872, in accordance with the books furnished said tax collector by the probate judge for said county for said year, instead of the abstract of the assessor's book furnished said auditor by said probate judge for said year.

Auditor authorized to settle with collector of Etowah.

Basis of settlement.

SEC. 2. *Be it further enacted,* That the said George W. Garmany, late tax collector of said county, and his sureties on his official bond, be and they are hereby released from the payment of any discrepancy that may exist between the abstract of the assessor's book as furnished

Sureties released from discrepancy.

Costs.

the said auditor by the probate judge of said county, and the book furnished the said late tax collector by the said probate judge; *Provided*, The said Garmany shall pay any and all costs which may have accrued in any suit or proceeding in connection with this matter.

Approved December 18, 1874.

No. 452.]

AN ACT

To authorize and require the auditor to draw his warrant on the State treasurer in favor of the school fund of Conecuh county for the sum of one thousand eight hundred and seven dollars and twenty-one cents.

Preamble.

WHEREAS, By the apportionment made by the superintendent of public instruction, under an act entitled "An act to keep in each county of this State certain amounts of the school money, the county of Conecuh was entitled to twenty-five hundred dollars and twenty-one cents; and whereas, the tax collector of said county before he had received instruction from the auditor of the State, in compliance with said act, did pay over all the State taxes collected in said county, except six hundred and ninety-three dollars; therefore

Auditor to draw his warrant.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be and he is hereby empowered and instructed to draw his warrant on the State treasurer in favor of the superintendent of education of Conecuh, for the sum of one thousand eight hundred and seven dollars and twenty-one cents, balance due said county upon the apportionment for the scholastic year 1874, any law to the contrary notwithstanding.

Approved December 17, 1874.

No. 453.]

AN ACT

To repeal section 1374 of the Revised Code of Alabama, so far as it relates to the counties of Dale, Jackson and Conecuh.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1374 of the Revised Code of Alabama is hereby repealed in so far as it relates to the counties of Dale, Jackson and Conecuh. Repealing act.

Approved February 23, 1875.

No. 454.]

AN ACT

To repeal an act entitled "An act to repeal section 1374 in article 1 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 19, 1873, so far as the same relates to the county of Madison.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to repeal section 1374 in article 1 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 19, 1873, be and the same is hereby repealed so far as it relates to the county of Madison. Act recited.

Approved February 6, 1875.

No. 455.]

AN ACT

To amend a act entitled "An act to amend section thirty-four hundred and seventy of the Revised Code of Alabama," approved December the eighth, eighteen hundred and seventy-three, in so far as the same applies to the county of Madison.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend section thirty-four hundred and seventy of the Revised Code of

Act recited.

Alabama," which said act is in words and figures as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That section thirty-four hundred and seventy of the Revised Code of Alabama, which is in words and figures as follows, to-wit: '3470 (3006). Decrees to be in writing, and rendered during the term; in difficult cases decrees may be rendered in vacation.—The chancellor must, when practicable, render his decrees in writing during the session of the court at which the cause is heard; he may, however, in difficult cases, render a decree in vacation within six months after the hearing,' be amended so as to read as follows, viz: '3470 (3006). Decrees to be in writing, and rendered during the term; by consent of counsel may be rendered in ninety (90) days after hearing.—The chancellor must, in all cases, render his decrees in writing during the session of the court at which the cause is heard. He may, however, by the written consent of the counsel in the cause, render a decree in vacation, within ninety (90) days after the hearing,' approved December the eighth, eighteen hundred and seventy-three," be and the same is hereby amended so as to read as follows, to-wit: 3470 (3006). Decrees to be in writing, and rendered during the term; by consent of counsel may be rendered in five (5) months after hearing.—The chancellor must, in all cases, render his decrees in writing during the session of the court at which the cause is heard. He may, however, by the written consent of the counsel in the cause, render a decree in vacation, within five (5) months after the hearing; *Provided*, That this shall extend to and include all causes heretofore submitted, and undetermined, for decree in vacation, upon the written consent of counsel; *Provided further*, That any thing herein contained shall apply only to the county of Madison.

Amendment.

Approved December 17, 1874.

No. 456.]

AN ACT

To amend the last paragraphs, respectively, of sections 3514, 3517 and 3518 of the Revised Code of Alabama, so far as they relate to the county of Dale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the last paragraph of section 3514 of the Revised Code of Alabama, which is in the words and figures following, to-wit: "For all other official duties, not otherwise provided for, to be paid from the county treasury, such sum as may be allowed by the court of county commissioners, not exceeding two hundred dollars,"—be and the same is hereby amended so as to read as follows: For all other official duties, not otherwise provided for, to be paid from the county treasury, such sum as may be allowed by the court of county commissioners, not exceeding one hundred dollars. Paragraph re-cited.
Amendment.

SEC. 2. *Be it further enacted,* That the last paragraph of section 3517 of the Revised Code of Alabama, which is in the words and figures following, to-wit: "For all other official duties for the compensation for which no express provision is made by law, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not to exceed two hundred and fifty dollars,"—be and the same is hereby amended so as to read as follows: For all other official duties for the compensation for which no express provision is made by law, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not to exceed one hundred and fifty dollars. Paragraph re-cited.
Amendment.

SEC. 3. *Be it further enacted,* That the last paragraph of section 3518 of the Revised Code, which is in the words and figures following, to-wit: "For impanelling grand juries, advertising, and attending all elections in his county, and for all other public services not otherwise provided for, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not to exceed two hundred and fifty dollars,"—be and the same is hereby amended so as to read as follows: For impanelling grand juries, advertising and attending all elections in his county, and for all other public services not otherwise provided for, such sum as may be allowed by the court of county commissioners, to be paid Paragraph re-cited.
Amendment.

out of the county treasury, not to exceed one hundred and fifty dollars.

SEC. 4. *Be it further enacted*, That said amendments of said paragraphs shall only apply to the same in so far as they relate to the county of Dale.

Repealing section.

SEC. 5. *Be it further enacted*, That said paragraphs of said sections, as they stood before the passage of this act, be and the same are hereby repealed, in so far as they relate to the county of Dale.

Approved February 23, 1875.

No. 457.]

AN ACT

To repeal an act entitled "An act to amend the last paragraphs of sections 3514, 3517 and 3518 of the Revised Code of Alabama, so far as the same relates to the county of Dale," approved February 23, 1875.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend the last paragraphs of sections 3514, 3517 and 3518 of the Revised Code of Alabama, so far as the same relates to the county of Dale," approved February 23, 1875, be and the same is hereby repealed.

Approved March 17, 1875.

No. 458.]

AN ACT

To amend section 3643 of the Revised Code of Alabama, so far as the same relates to Shelby county.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3643 of the Revised Code of Alabama, which reads as follows, to-wit: "§ 3643. Emitting change bills as money. — Any person, private corporation or association, who makes, emits, signs or countersigns, or causes or procures to be made, emitted, signed or countersigned, without authority of law, any paper to answer the purposes of money, or for general circulation, must each, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the

county jail for not more than one year,"—be and the same is hereby amended, as to the county of Shelby, so as to read as follows, to-wit. § 3643. Emitting change bills, checks, or other paper to pass as money.—Any person, firm, private corporation or association, who makes, emits, issues, signs or countersigns, or causes or procures to be made, emitted, issued, or countersigned, any paper or check with the intent that it shall answer the purposes of money, for use as circulation in the room, place or stead of money, shall be guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months. Amendment.

SEC. 2. *Be it further enacted*, That section 3643 of the Revised Code of Alabama, as it now stands, be and the same is hereby repealed, so far as the same relates to the county of Shelby. Shelby county.

Approved March 19, 1875.

No. 459.]

AN ACT

To repeal section 4031 of the Revised Code, so far as it relates to Coffee and Geneva counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4031 of the Revised Code be and the same is hereby repealed, so far as it relates to Coffee and Geneva counties. Repeal.

Approved February 15, 1875.

No. 460.]

AN ACT

To repeal sections 4031 to 4061, inclusive, of the Revised Code of Alabama, so far as the same relate to the county of Coosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, Certain sections of the Revised Code repealed as to Coosa county.

4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060 and 4061 of the Revised Code of Alabama, be and the same are hereby repealed in so far as the same relate to the county of Coosa.

Records transferred to circuit court.

SEC. 2. *Be it further enacted*, That all prosecutions, together with all records and papers relating thereto, pending in the county court of said county of Coosa at the time of the approval of this act, shall be transferred by the proper certificate of the judge of said court to the circuit court of said county.

Approved February 27, 1875.

No. 461.]

AN ACT

To repeal section 4031 (482) of the Revised Code of Alabama, in so far as the same applies to the county of Covington.

Repealed as to Covington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4031 (482) of the Revised Code of Alabama, in so far as the same applies to the county of Covington, be and the same is hereby repealed.

Approved March 19, 1875.

No. 462.]

AN ACT

To change the county line between the counties of Conecuh and Covington.

Territory attached to the county of Conecuh.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, that that portion of Covington county, to-wit: beginning at the point where Pigeon Creek empties into Sepulga river, thence north up and along said creek to the point where the township lines between townships five (5) and six (6) of range fourteen (14) crosses said creek, thence west along said township line to the present boundary line between the counties of Conecuh and Covington, be and the same is hereby attached to Conecuh county.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 11, 1874.

No. 463.]

AN ACT

To change the boundary line between the counties of Colbert and Franklin.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the northwest quarter of section one, township six, range fifteen, which now belongs to the territory of Franklin county, be detached therefrom, and attached to the territory of Colbert county; and that the southwest quarter of section nine, township six and range eleven, which now belongs to the territory of Colbert county, be detached therefrom and attached to the territory of Franklin county. Certain territory attached to Colbert county. Territory attached to the county of Franklin.

Approved January 29, 1875.

No. 464.]

AN ACT

To change the boundary line between the counties of Pike and Bullock.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the boundary line between Pike and Bullock counties be and the same is hereby changed as follows, to-wit: commencing at the southwest corner of section thirty-one, (31), thence east one-half mile, thence north one mile, thence west one-fourth of a mile, thence north one-half mile, thence west one-fourth of a mile, the above lands being in township twelve, (12), range twenty-two, (22). Boundary line changed.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 14, 1874.

No. 465.]

AN ACT

To change the line between the counties of Russell and Barbour.

Boundaries
changed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the boundaries of the counties of Russell and Barbour in this State, be so changed as to include sixty acres in section nine, and ninety acres in the southeast corner of section eight, in township thirteen, range twenty-eight, now part and parcel of the estate of Americus C. Mitchell, of Russell county, within the boundaries of Russell county instead of Barbour county, as now prescribed by law.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its passage, all laws and parts of laws to the contrary notwithstanding.

Approved February 10, 1875.

No. 466.]

AN ACT

To repeal an act entitled "An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties," approved February 1st, 1872, and an act entitled "An act to prevent the wanton destruction of fish in this State," approved April 21, 1873.

Acts recited.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties," approved February 1st, 1872, and an act entitled "An act to prevent the wanton destruction of fish in this State," approved April 21, 1873, be and the same are hereby repealed.

Repealed.

Approved December 1, 1874.

No. 467.]

AN ACT

To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, so far as relates to Sandy Ridge and Farmersville Beats, approved December 31, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act entitled "An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, so far as relates to Sandy Ridge and Farmersville Beats, in Lowndes county, Alabama," approved December 31, 1868, be and the same is hereby repealed. Repealed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 3, 1875.

No. 468.]

AN ACT

For the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the portion of territory in the county of Lowndes, included in sections numbered two, three, four, five and six, in township thirteen, (13), range thirteen, (13), and which has been and now is attached to Colerine Beat, be and the same is hereby made subject to an act entitled "An act for the protection of plantations and lands against the depredations of stock in Lowndes county," approved December 31, 1868, and all the provisions of said act are hereby made applicable to said sections.

SEC. 2. *Be it further enacted,* That the act repealing said act of the 31st day of December, 1868, so far as the same applies to said sections two, three, four, five and six be and the same is hereby repealed.

Approved March 19, 1875.

No. 469.]

AN ACT

To provide weights and measures for the county of Clay.

Authority of
secretary of
state to fur-
nish weights
and measures
to the county
of Clay.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of State is hereby authorized and required to furnish to the county of Clay weights and measures, consisting of one weight of fifty pounds, one of twenty-five pounds, one of seven pounds, two of four pounds, two of two pounds and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of a half bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of one-half gallon, one of one quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with the standard of measure, length and weights established by the congress of the United States.

SEC. 2. *Be it further enacted,* That for the expense of obtaining such weights and measures and furnishing the same to said county, the auditor must, on the account being certified by the secretary of State, draw his warrant on the State treasury for the amount certified in such account.

Approved February 19, 1875.

No. 470.]

AN ACT

To enable the people of Franklin county to permanently locate the seat of justice of said county.

Election au-
thorized.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the sheriff of said county to open and hold an election at the several voting precincts in said county, on the first Saturday in April next, the third day thereof, for the purpose of deciding whether the seat of justice in said county shall be removed from Frankfort, its present location.

Notice given.

SEC. 2. *Be it further enacted,* That said sheriff shall give at least thirty days notice of said election by posting up two or more written notices in some public place in each election precinct in said county. The polls at

said election shall be opened by or before the hour of nine a. m., at the several precincts in said county, and shall remain open until five o'clock p. m. All persons entitled to vote for representatives to the State legislature shall be entitled to vote at said election. Each voter shall write on his ticket the word "removal" or "no removal." The said election shall be conducted under the same laws and governed by the same rules, except as herein directed, which governs general elections.

Polls, when
opened.
Electors.

SEC. 3. *Be it further enacted*, That the returning officers and managers of said election, at the several precincts, shall hold, make returns and do all things as required by the general election laws. And the supervisors at Frankfort shall proceed, as in case of general election, to carefully count and compare the votes as returned from the several precincts, and when the votes are so counted and compared, the sheriff shall make public proclamation of the vote as thus ascertained, and if it shall so happen that a majority of all those voting at said election shall have voted for "no removal," then in that event the seat of justice shall be and remain permanently located at Frankfort; but if a majority of all those voting at said election shall have voted for "removal," then it shall be the duty of the sheriff to hold another election as provided for in the next section of this act.

Duties of re-
turning offi-
cers and man-
agers.

Duties of su-
pervisors.

SEC. 4. *Be it further enacted*, That if a majority of all those voting at the election provided for in the preceding sections of this act, shall have voted for "removal," then the sheriff of said county shall open and hold another election on the second Saturday in May next, the eighth day thereof, for the purpose of enabling the people of said county to determine at what place they will locate the seat of justice, which election shall be advertised as provided for in the preceding sections of this act, and conducted in all respects as therein directed and provided for in the first election, and the sheriff shall specify in his advertisements what places are in nomination, and he is hereby required to place in nomination, first, the "centre," or within one mile thereof; second, "the town of Russellville." At said election the voters in favor of locating the seat of justice at Russellville shall write on their tickets the word "Russellville," and those in favor of the centre shall write on their ticket the word "centre," and the managers at the several

Majority vot-
ing for remov-
al another elec-
tion ordered.

Sheriff shall
specify what
places are in
nomination.

Place receiving a majority of votes to become the seat of justice.

precincts shall count out and compare the votes and send up a correct and certified statement, and list of voters, as in the first election herein provided for, and the board of supervisors at Frankfort shall in like manner count and compare the vote as sent up from the several precincts, and the sheriff shall make public proclamation of the result of said election, and whichever of the above named places shall have received a majority of all the votes given, such place shall be and remain the permanent location of the seat of justice of said county.

Commissioners to select a site.

SEC. 5. *Be it further enacted*, That in the event the seat of justice is located in said county at any other place than Frankfort, it shall be the duty of the judge of probate, within one month, or sooner if he may think advisable, after such location is made, to appoint five commissioners, whose duty it shall be to select a site for the court house and jail of said county, at the place selected as the permanent location of the seat of justice; *Provided*, That should said location be made at the centre said commissioners may select any place most suitable for said buildings within one mile of the centre of said county, and said commissioners shall report to the commissioners court on or before the second Monday in August, eighteen hundred and seventy-five, what site they have selected, together with any information they may deem proper to communicate; *Provided*, any three of said commissioners shall be a quorum to act in making said selection.

Duties of commissioners court.

SEC. 6. *Be it further enacted*, That if a majority of the votes cast in said election be in favor of Russellville, then Russellville shall be the permanent seat of justice for said county. And the commissioners court of said county are authorized, directed and required, and it is hereby made their duty to have all the records, books and papers in the various offices of said county removed to said town of Russellville.

Certain county property to be disposed of.

Additional tax authorized.

SEC. 7. *Be it further enacted*, That in the event said seat of justice shall be removed from its present location at Frankfort, the commissioners court of said county is hereby authorized and empowered to dispose of by sale or otherwise, the present county buildings, and the lots upon which they are situated in the town of Frankfort on the most advantageous terms, for the use and benefit of said county; and to levy and collect an additional tax, at their discretion, upon the property of said

county, for the purpose of purchasing a suitable site for the court house and jail, and building and furnishing the same, on the site which may be selected, and to purchase a suitable site at the place selected for the court house and jail, the deed to which shall be made to the judge of probate and his successors in office, for the use and benefit of said county; *Provided*, The commissioners court shall not levy a tax in any one year exceeding twenty-five per cent. on the levy made by the State for said year; *Provided further*, That the commissioners court shall not be authorized to commence the erection of court house or jail until at least one-half of the estimated cost of same is in the hands of the county treasurer.

Rate of taxation limited.

SEC. 8. *Be it further enacted*, That all officers failing to do and perform any duty herein required under the provisions of this act, shall be fined not less than five hundred nor more than one thousand dollars, to be recovered before any court of competent jurisdiction; *Provided*, said officers shall have ten days notice of said motion.

Penalty.

Approved February 13, 1875.

No. 471.]

AN ACT

To annex fractional township seven, range twelve, according to the Florida survey, to township one, range twenty-six according to the Alabama survey.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That fractional township seven, range twelve, according to the Florida survey, lying in the county of Geneva, be and the same is hereby annexed and made a part of township one, range twenty-six according to the Alabama survey, in the county of Geneva; and that in all matters pertaining to schools in said county, after the passage of this act, said township shall be held to constitute but one township.

Certain territory annexed to township 1, range 26, of Alabama survey.

Approved January 29, 1875.

No. 472.]

AN ACT

To repeal an act entitled "An act to amend section one of an act entitled 'An act to empower the governor to appoint notaries public,' so far as it relates to or affects Barbour county."

Repealing act. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend section one of an act entitled 'An act to empower the governor to appoint notaries public,' so far as it relates to or affects Barbour county," approved March 18, 1873, be and the same is hereby repealed.

Approved January 26, 1875.

No. 473.]

AN ACT

To amend section four of an act entitled "An act to preserve order at the China Grove Camp Ground in the county of Dale.

Act recited. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section four of an act entitled "An act to preserve order at the China Grove camp ground, in the county of Dale," which is in the words and figures following, to-wit: "Sec. 4. Be it further enacted, That it shall be the duty of the sheriff of Dale county to attend each session of the camp meeting at said camp ground, in person or by deputy, whose duty it shall be to prevent, if practicable, any violation of the penal code of this State, and to execute any and all warrants charging a violation of this act; and he is hereby authorized and required to arrest any person who, in his presence, shall violate any of the provisions of this act, and carry such person before the judge of the county court, unless he give bond to appear at the next term of the county court, to answer for the offense of such misdemeanor, as it may appear he has committed,"—be and the same is hereby so amended as to read as follows: Sec. 4. Be it further enacted, That it shall be the duty of the sheriff of said county to attend each session of the camp meeting at said camp ground, either in person or by deputy, whose duty it shall be to prevent, if practicable, any violation

Amendment.

of the penal code of this State, and to execute any and all warrants charging a violation of the provisions of this act, or the offense of disturbing public worship; and he is hereby authorized and required to arrest any person who, in his presence, shall violate any of the provisions of this act, or of section 3612 of the Revised Code of Alabama; and he shall forthwith carry any person arrested by him under the provisions of this section before some justice of the peace of said county, at the most convenient place either upon said camp ground or elsewhere, and such justice of the peace is hereby clothed with power and authority to take jurisdiction of the offense charged, whether it be of violating the provisions of this act, or of section 3612 of the Revised Code of Alabama; and he shall forthwith proceed to try the person charged, and impose upon him such punishment, upon conviction, as is authorized by law, unless for good cause shown such trial may be continued until some future day, in which case the law now of force regulating such continuances, and subsequent trial, shall be the law of the case; and any person who may be convicted under the provisions of this act shall have the right of appeal from the judgment of conviction to the circuit court of said county, under the laws now in force regulating appeals from justices courts in criminal cases.

Duty of sheriff
Power and authority of justices.

SEC. 2. *Be it further enacted*, That said section four of said act, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 9, 1875.

No. 474.]

AN ACT

To authorize the mayor and aldermen of the city of Huntsville to issue bonds of said corporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in order to enable the mayor and aldermen of the city of Huntsville to raise money to pay off the present floating debt, and to pay for sewers and other internal improvements of said corporation, the said mayor and aldermen of the city of Huntsville be and they are hereby authorized to issue the bonds of said

Authority to issue bonds.

corporation, under the corporate seal, to be signed by the mayor and countersigned by the city clerk, to the amount of sixteen thousand dollars, or to any lesser amount, as may seem best to said mayor and aldermen.

Denomination. SEC. 2. *Be it further enacted*, That the bonds hereby authorized shall be for sums not less than one hundred dollars, nor more than five hundred dollars each; that they shall not bear a greater rate of interest than eight per cent. per annum, and shall not be payable at a longer time than ten years from their date.

Rate of int'rest
Eight per cent of taxes retained to pay interest on the bonds.
SEC. 3. *Be it further enacted*, That the mayor and aldermen of the city of Huntsville are authorized and required to retain eight per cent. on all the taxes and license and other income collected annually for said corporation, to pay off and discharge, as far as said sum will, the interest and principal on the bonds which said corporation is hereby authorized to issue.

Limitation. SEC. 4. *Be it further enacted*, That the mayor and aldermen of the city of Huntsville shall not use more than ten thousand dollars worth of said bonds to pay off the present floating debt of said corporation, and not more than six thousand dollars worth of said bonds to pay for sewers and other internal improvements, and for no other purpose whatever shall said bonds or the proceeds of the same be used.

Exempt from taxation. SEC. 5. *Be it further enacted*, That the bonds hereby issued shall be exempt from taxation by the city of Huntsville.

Approved December 2, 1874.

No. 475.]

AN ACT

To amend "An act to authorize the mayor and aldermen of the city of Huntsville to issue bonds of said corporation," approved December the second, eighteen hundred and seventy-four.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to authorize the mayor and aldermen of the city of Huntsville to issue bonds of said corporation," approved December the second, eighteen hundred and seventy-four, the first section whereof reads as follows: "Section 1. *Be it enacted by*

the General Assembly of Alabama, That in order to enable the mayor and aldermen of the city of Huntsville to raise money to pay off the present floating debt, and to pay for sewers and other internal improvements of said corporation, the said mayor and aldermen of the city of Huntsville be and they are hereby authorized to issue the bonds of said corporation, under the corporate seal, to be signed by the mayor and be countersigned by the city clerk, to the amount of sixteen thousand dollars, or to any lesser amount, as may seem best to said mayor and aldermen," be and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That in order to enable the mayor and aldermen of the city of Huntsville to raise money to pay off the present floating debt, and to pay for sewers and other internal improvements of said corporation, the said mayor and aldermen of the city of Huntsville be and they are hereby authorized to issue the negotiable bonds of said corporation, under the corporate seal, to be signed by the mayor and countersigned by the city clerk, to the amount of sixteen thousand dollars, or to any lesser amount, as may seem best to said mayor and aldermen, with coupons attached for the payment of the interest of said bonds.

SEC. 2. *Be it further enacted*, That the second section of said act, which reads as follows, to-wit: "Sec. 2. Be it further enacted, That the bonds hereby authorized shall be for sums not less than one hundred, nor more than five hundred dollars each; that they shall not bear a greater rate of interest than eight per cent. per annum, and shall not be payable at a longer time than ten years from their date," be and the same is hereby amended so as to read as follows, to-wit: Sec. 2. Be it further enacted, That the bonds hereby authorized shall be for sums not less than one hundred dollars, nor more than five hundred dollars each, and shall bear eight per cent. interest, payable semi-annually at such time and place as the mayor and aldermen may prescribe, and the principal of said bonds shall be payable within ten years.

Approved January 19, 1875.

No. 476.]

AN ACT

To amend section two of "An act to amend an act to authorize the county of Montgomery to issue bonds," approved December 17, 1873.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an amended act, approved December 17, 1873, and entitled "An act to amend an act to authorize the county of Montgomery to issue bonds," approved March 7, 1873, and which reads as follows, to-wit: "Sec. 2. Be it further enacted, That said court of county commissioners be authorized and empowered to levy a special tax of one-tenth of one per cent. on all the taxable property in said county, which tax shall be assessed and collected as the other taxes for county purposes, and shall constitute a sinking fund for the ultimate payment of the bonds issued under this act; the said special tax, when collected, shall be paid over by the tax collector to the treasurer of said county of Montgomery, and shall be used by said treasurer in purchasing the bonds issued under this act, or invested by him in bonds of the United States or of the State of Alabama; and said special tax shall not be used for any other purpose than as herein authorized. The said treasurer shall report in writing to the said court of county commissioners, the bonds which he may purchase with the said special tax, at what rate, and from whom, and at what rate and with whom invested; and which report shall be verified by him,"—be and the same is

Amendment.

hereby amended so as to read as follows: Sec. 2. Be it further enacted, That said court of county commissioners be authorized and empowered, and it is hereby made their duty, to levy a special tax of one-tenth of one per cent. on all the taxable property in said county, which tax shall be assessed and collected as the other taxes for county purposes, and shall be appropriated to the payment of interest on the bonds authorized and issued under this act, and the surplus, if any, shall constitute a sinking fund for the purchase and ultimate payment of said bonds. The said special tax, when collected, shall be paid over by the tax collector to the treasurer of the county of Montgomery, whose duty it shall be to report in writing, under oath, on or before the first day of March of each year, to the court of county commis-

sioners, the amount so turned over to him by said tax collector.

Approved January 15, 1875.

No. 477.]

AN ACT

To authorize the renewal of certain bonds of the city of Montgomery, now past due.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the city council of Montgomery be and it is hereby authorized to have prepared and issued, in proper form, the bonds of the city of Montgomery, in the aggregate for the sum of eighteen thousand dollars, in sums of one thousand dollars each, to run for ten or twenty years, as may be by it deemed most expedient, and to bear interest at the rate of eight per centum per annum, payable semi-annually on the first of January and July of each year; said bonds to be payable, both interest and principal, at some designated place in the city of Charleston, and have coupons attached for the interest falling due. Authority to
issue bonds.

Rate of inter-
est.

SEC. 2. *Be it further enacted,* That said bonds shall be used only in renewal of or exchange for the bonds of the city of Montgomery, dated January 1st, 1864, and due and payable January 1st, 1874, bearing interest at the rate of eight per centum per annum, and payable at the bank of Charleston. How used.

Approved January 14, 1875.

No. 478.]

AN ACT

To authorize the commissioners court of Wilcox county to levy a special tax to enclose the court-house of said county, and to furnish and repair said court-house.

Special tax authorized.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Wilcox county be and it is hereby authorized and empowered to levy a special tax in said county, for the purpose of enclosing the court-house of said county and furnishing and repairing said court-house; said special tax not to exceed one-twentieth of one per cent. of the State tax of said county.

SEC. 2. *Be it further enacted,* That said tax shall not be levied for more than two years, after which time the power given by this act shall expire.

Approved February 19, 1875.

No. 479.]

AN ACT

To authorize the Court of County Commissioners of Choctaw county to issue bonds.

Authority to issue bonds.

When payable.

Special tax levied.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Choctaw county shall be and it is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary and expedient, not, however, to exceed the sum of eight thousand dollars; said bonds to be payable in ten years from date of issue, bearing interest, payable semi-annually, at the rate of six per centum per annum, and to be issued for the purpose of funding the present indebtedness of said county.

SEC. 2. *Be it further enacted,* That said commissioners court be authorized and empowered to levy a special tax of one-twentieth of one per centum on all the taxable property in said county, which tax shall be assessed and collected as the other taxes for county purposes, and shall constitute a sinking fund for the ultimate payment

of the bonds issued under this act, and the semi-annual interest thereon as the same accrues. The said special tax, when collected, shall be paid over by the tax collector to the treasurer of said county of Choctaw, and shall be used by him in purchasing the bonds issued under this act, the right to purchase or pay the same being hereby reserved to said county whenever said commissioners court may deem it expedient to do so, or to be invested by him in bonds of the United States or of the State of Alabama, and said special tax shall not be used for any other purpose than as herein specified. The said treasurer shall report in writing to the said commissioners court the amount of tax received by him under this act whenever required by said commissioners court, and the bonds which he may purchase with said special tax, at what rate, and from whom, and at what rate, and with whom invested, which report shall be verified by his affidavit. How used.

SEC. 3. *Be it further enacted*, That the interest coupons upon the bonds issued under this act, when due and payable, shall be receivable in payment by said county of all dues to said county. Coupons receivable in payment of taxes.

Approved March 6, 1875.

No. 480.]

AN ACT

To repeal an act entitled "An act to empower the Commissioners Court of the county of Dallas to issue bonds, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act of the general assembly of Alabama entitled "An act to empower the commissioners court of the county of Dallas to issue bonds, and for other purposes," approved December 24, 1878, be and the same is hereby repealed. Authority to issue bonds.

Approved January 26, 1875.

No. 481.]

AN ACT

To repeal "An act to compel certain persons therein named to work on public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties," approved January 13, 1846, so far as the same applies to the county of St. Clair.

Repealed as to
St. Clair.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to compel certain persons therein named to work on public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties," approved January 13, 1846, be and the same is hereby repealed in so far as the same applies to the county of St. Clair.

Approved February 17, 1875.

No. 482.]

AN ACT

To punish persons for failing to work the public roads in Chambers county.

Failure to w'rk
roads denounc-
ed a misde-
meanor.

Penalty.

Jurisdiction
conferred on
justices.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person liable to road duty who shall willfully fail or refuse, after legal notice, to work the public roads without a sufficient excuse therefor shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than fifty dollars, and may also be imprisoned in the county jail or put to hard labor for the county for not more than sixty days.

SEC. 2. *Be it further enacted,* That justices of the peace in this State shall have the same jurisdiction to try persons violating the first section of this act that they have over the offenses enumerated in section 3932 of the Revised Code of Alabama; *Provided,* That the provisions of this act shall apply only to the county of Chambers.

Approved March 18, 1875.

No. 483.]

AN ACT

To repeal "An act to make the circuit court clerks of Autauga county ex-officio clerks of the county court."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act entitled "An act to make the circuit court clerks of Autauga county ex-officio clerks of the county court," approved March 8, 1871, be and the same is hereby repealed. Repealed.

Approved February 18, 1875.

No. 484.]

AN ACT

To enlarge the jurisdiction of justices of the peace in Sumter county north of the line dividing townships twenty and twenty-one in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all justices of the peace in Sumter county north of the line dividing townships twenty and twenty-one in said county, in addition to the jurisdiction they now have, shall have jurisdiction of all cases over which they now have jurisdiction lying north of said line, no matter in what precinct the parties to said cases reside, or in what precinct the cause of action arose, and that section 3207 of the Revised Code is hereby declared inoperative north of the line dividing townships twenty and twenty-one in said county of sumter. Jurisdiction of justices of the peace extended over certain territory.

SEC. 2. *Be it further enacted,* That the justices of the peace north of the line dividing townships twenty and twenty-one in Sumter county, as provided in the first section of this act, shall have jurisdiction of all criminal cases over which they now have jurisdiction, and all misdemeanors in which the fine does not exceed twenty-five dollars north of said line dividing townships twenty and twenty-one in said Sumter county, as provided in section one of this act. Jurisdiction defined.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 485.]

AN ACT

To authorize the Commissioners Court of Franklin county to compensate the sheriff of said county for services therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Franklin county be authorized to pay the sheriff of said county a reasonable compensation, out of any moneys in the county treasury not otherwise appropriated, for his services in holding the election to locate the court-house of said county.

Co. commis-
sion'rs author-
ized to pay
sheriffs for
holding elec-
tion.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 486.]

AN ACT

Exempting the Tuskegee Railroad Company from the operations of an act approved April 19, 1873, entitled "An act regulating the charges of transportation of freight upon railroads within this State."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Tuskegee railroad company, which is a narrow-gauge road of five miles in length, in Macon county, be exempt so far as the same extends from the operations of the act approved April 19, 1873, entitled "An act regulating the charges for transportation of freight upon railroads within this State."

Exempt from
act of April 19,
1873.

Approved March 18, 1875.

No. 487.]

AN ACT

To enable the city of Talladega to take and own stock in a railroad company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if the route of any projected railway

shall pass into or through the county of Talladega, the mayor of the city of Talladega may enter into a provisional agreement with the president of the railroad as to the terms and conditions on which the city may become a stockholder in the road. The agreement shall be submitted in writing by the mayor for the consideration of the city council.

Authority to become a stockholder in a railroad.

SEC. 2. *Be it further enacted*, That if the council shall approve the agreement the mayor shall, in a reasonable time, issue his proclamation, in which he shall fully state the terms of the agreement, and shall order an election to be held within thirty days from the date of the proclamation, in which the qualified voters of the city shall vote by ballot upon the question of the ratification or rejection of the agreement between the mayor and the president of the railroad company. Those voting in the affirmative shall have on their ballots the words, "For subscription," those voting in the negative the words, "Against subscription." The election shall be conducted according to law, and the managers thereof shall make their return to the mayor, who shall count the votes in the presence of the city council.

Election to be held.

Mode of voting

Election, how conducted.

SEC. 3. *Be it further enacted*, That on counting the ballots, if it shall appear a majority of the voters have voted "for subscription," the mayor shall prepare and, in his official capacity, sign bonds, drawn in the usual form of coupon bonds, and made payable ten years after date, and drawing interest at the rate of eight per cent. per annum, payable semi-annually. The bonds shall be delivered to the president by the mayor, and certificates of stock be received by him from the president according to the terms of agreement between them.

Authority to issue bonds.

SEC. 4. *Be it further enacted*, That in order to provide for the payment of the interest on the bonds the city council shall have power to levy a tax on all the property, real and personal, within the limits of said city; *Provided*, That the tax shall not exceed the rate of one per cent. per annum.

Approved March 18, 1875.

No. 488.]

AN ACT

To restrict the assessment, levy or collection of taxes and licenses for county purposes in the county of Talladega, and to repeal an act entitled "An act to restrict the counties to a certain rate of taxation," approved April 19, 1873, in so far as the same relates to the county of Talladega.

Rate of taxation for county purposes limited to 50 per cent. of State taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, there shall not be assessed, levied or collected for county purposes in the county of Talladega more than fifty per cent. of the amount assessed, levied or collected for State purposes, on real and personal estate, licenses and all other subjects of taxation which are allowed by law to be taxed or licensed for county purposes, except licenses to sell spirituous or intoxicating liquors.

SEC. 2. *Be it further enacted,* That an act entitled "An act to restrict the counties to a certain rate of taxation," approved April 19, 1873, and which reads as follows:

Act recited.

"Section 1. *Be it enacted by the General Assembly of Alabama,* That the taxes levied for county purposes in this State shall not exceed one-half of one per cent. on the value of real and personal property; *Provided,* This bill shall be so construed as to repeal special acts for special purposes,"—be and the same is hereby repealed in so far as the same relates to the county of Talladega.

Repealing section.

Approved February 17, 1875.

No. 489.]

AN ACT

To require the Commissioners Court of Talladega county to let the contract for medical treatment of the inmates of the poor house of said county to the lowest bidder therefor.

Contract for medical treatment to be let to lowest bidder.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Talladega county be and they are hereby required to let the contract for medical treatment of the inmates of the poor house of said county to the lowest bidder therefor; *Pro-*

vided, Said bidder be a practicing physician in good standing.

SEC. 2. *Be it further enacted*, That no contract shall be acted upon or made until said court has advertised for sealed bids or proposals therefor, at least two consecutive weeks in the newspaper having the largest circulation in the county.

Approved March 15, 1875.

No. 490.]

AN ACT

To require the Judge of Probate of Marengo county to pay into the county treasury certain costs in criminal cases tried in the county court of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all causes tried in the county court of Marengo county in which defendants are convicted and sentenced to hard labor for said county, and such defendants elect to work out a portion of the costs of prosecution at hard labor, and afterward pay the balance of such costs in money to the judge of probate of said county, it shall be the duty of said judge of probate, and he is hereby required, to pay the actual total amount of such costs so paid to him into the county treasury of said county, and the fees of all officers and witnesses properly chargeable against said county for services rendered in such causes must be registered as claims against said county as now provided for by law, any law in this State to the contrary notwithstanding. Certain costs to be paid into co. treasury.

Approved March 18, 1874.

No. 491.]

AN ACT

To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the tax collector of Elmore county be and he is hereby authorized and required to receive in Certain claims receivable for taxes.

payment of taxes due, and hereafter to be due said county, all claims for supporting paupers in said county.

SEC. 2. *Be it further enacted*, That all laws in conflict with the provisions of this act, be and are hereby repealed.

Approved March 20, 1875.

No. 492.]

AN ACT

To extend the time within which persons holding allowed claims against the county of Perry may commence legal remedies to enforce collection and payment thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all persons who now hold claims or demands against any of the counties of this State, which have heretofore been presented to the court of county commissioners of such counties, in the manner and within the time prescribed by law, and have been by said court audited and allowed, but which are not yet paid, shall be allowed a period of two years from the date of the passage of this act to commence appropriate legal remedies against such counties, and the courts of county commissioners thereof to enforce the collection and payment of their said claims or demands, from said counties, any law or statute to the contrary thereof notwithstanding ; *Provided, however*, That the provisions of this act shall apply only to claims audited and allowed against Perry county.

Time extended within which legal remedies may be commenced to enforce collection of claims against county of Perry.

Approved March 8, 1875.

No. 493.]

AN ACT

To require all persons holding claims or warrants on the treasury of Winston county to have the same registered.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all persons holding warrants on the treas-

urer of Winston county, juror certificates, witness certificates, or any kind of claims whatever, are hereby required to have the same registered, or if such warrants, ^{Registration of warrants.} juror certificates, witness certificates, or other kind of claims, have heretofore been registered, that the same be registered again in the office of the county treasurer of said county within twelve months after the passage of this act, or said claims shall be forever barred; *Provided*, That those whose claims have been registered and who are hereby required to re-register them shall not lose any right of priority of payment which they had acquired under the previous registration.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 15, 1875.

No. 494.]

AN ACT

To require persons who post estray stock in the county of Winston, when the same are not redeemed, to pay one-half of the value in current funds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, all estrayed stock of any kind posted in the county of Winston, and not redeemed by the owner within the time prescribed by law, the person or persons posting such stock shall pay to the probate judge of said county one-half of the appraised value thereof in current money, which funds shall be applied to the purchasing of blank records and stationery for the use of said county and nothing else. ^{One-half of the appraised value paid in current funds.}

SEC. 2. *Be it further enacted*, That no fees or commissions shall be allowed any of the county officers for collecting and paying out such funds. ^{No fees or commissions allowed.}

SEC. 3. *Be it further enacted*, That when any person in the county of Winston refuses to pay in current funds one-half of the appraised value of any stock posted by such person, and not redeemed by the owner in twelve months, the county shall have a lien on such posted stock, and the sheriff of said county shall, by order from ^{Lien declared in favor of county.}

the commissioners court, sell the same to the highest bidder for cash, at the court house in said county, after giving ten days notice of the time, place and terms of sale, and of the proceeds shall, first, pay the expenses of seizing and selling such stock; secondly, shall pay the amount due the county to the probate judge thereof; and lastly, shall return any surplus to the person who posted the estray.

Certain fees allowed sheriff.

SEC. 4. *Be it further enacted*, That the sheriff, for seizing, advertising and selling any stock under the provisions of this act, shall be entitled, when the amount due the county is ten dollars or less, to a fee of one dollar; when the amount is over ten dollars and under twenty dollars, to one dollar and fifty cents; and when the amount due the county is over twenty dollars he shall be entitled to a fee of two dollars.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 15, 1875.

No. 495.]

AN ACT

To amend section seven of an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

Section recited

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section seven (7) of an act entitled "An act to abolish fencing in certain portions of Montgomery county," approved January 29, 1867, which reads as follows, to-wit: "Sec. 7. *Be it further enacted*, That the provisions of this act shall not apply to that part of Montgomery county embraced in the following boundaries, to-wit: All that part lying south of Pintlala Creek, and that part south of township fifteen, and that part within four miles of the court house of said county, and the exceptions in this section shall not be so construed as to allow any horse, cow, mule, ass, sheep or goat of any person embraced or excepted in this section, or in any other county of this State, to go at large in the other portions of Montgomery county,"—be so amended as to read as follows: Sec. 7. *Be it further enacted*, That the

provisions of this act shall not apply to that part of Montgomery county embraced in the following boundaries, to-wit: All that part lying south of Pintlala Creek, Amendment. and that part south of township fourteen, (except that part of township fourteen lying east of Catoma Creek), and that part within two miles of the court house of said county, and the exceptions in this section shall not be so construed as to allow any horse, cow, mule, ass, hog, sheep or goat of any person embraced or excepted in this section, or any other county of this State, to go at large in the other portions of Montgomery county.

SEC. 2. *Be it further enacted*, That section seven, as it now stands in the above named act, be and the same is hereby repealed.

Approved March 17, 1875.

No. 496.]

AN ACT

In relation to the finances of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of revenue for Montgomery county be and they are hereby authorized and empowered to issue bonds of said county to an amount sufficient to fund the present floating debt of said county, including warrants outstanding and unpaid and past-due coupons on bonds heretofore issued, said bonds to be in such denominations as said board of revenue may deem necessary or expedient. Authority to issue bonds.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued by the first section of this act shall become due and payable in five years from the date of issue, and shall bear interest from date at the rate of eight per centum per annum, payable semi-annually, on the surrender of coupons for interest appended to such bond. Bonds due and payable in five years. All bonds issued under this act shall be signed by the president of said board of revenue and countersigned by the clerk of said board, and shall be attested by the seal of said county affixed thereto, and coupons for the several installments of interest on said bond shall be thereto appended, signed by the clerk of said board of revenue, and numbered or otherwise identified Interest at 8 per cent. How signed & countersign'd. Attested by seal.

to correspond with the bond to which the same may be appended.

Registration of bonds.
How disposed of.

SEC. 3. *Be it further enacted*, That the said board of revenue shall make and keep a registry of all bonds issued under this act, showing the amount, date and maturity and number of each bond, and what coupons are annexed thereto, and to whom and upon what consideration the same was issued, and whether sold, hypothecated or exchanged for other evidences of debt or claims against said county, and if sold or hypothecated the amount and kind of money received and paid into the treasury for the same.

Custody and control of all bonds committed to board of revenue.

SEC. 4. *Be it further enacted*, That said board of revenue shall have custody and control of the registry of all bonds of said county heretofore or hereafter issued, and shall enter on said registry the payment or cancellation of the several coupons for interest on each bond when the same is paid or cancelled, and of each bond when the same is paid, cancelled or renewed, so that said registry shall exhibit at all times a full and complete statement of all bonds of said county outstanding and unpaid, and the coupons upon the same.

Bonds may be exchanged for floating debt.

SEC. 5. *Be it further enacted*, That the bonds of said county authorized to be issued by this act may be exchanged for or given in settlement of the existing floating debt of said county, including warrants heretofore drawn on the county treasury and past-due coupons on bonds of said county heretofore issued, or any compromise or settlement of such indebtedness that may be made or authorized by said board of revenue, or said bonds may be sold or hypothecated by said board of revenue to raise money to compromise, settle or liquidate said indebtedness or any part thereof, but all moneys raised by sale or hypothecation of said bonds, or any of them, shall be paid into the county treasury, and paid out as hereinafter provided.

May be sold or hypothecated.

SEC. 6. *Be it further enacted*, That all moneys belonging to said county, or that shall accrue to it from taxes or otherwise, shall be paid into the treasury of said county before being used for any purpose whatever, and all moneys in the treasury of said county at the passage of this act, or that may hereafter come into said treasury, shall be paid out only on warrants authorized by said board of revenue, and said warrants shall be numbered and shall be paid in the order in which the same

Ali moneys to be paid into the treasury.

Money paid out on warrants issued by board of revenue.

are issued. But it shall be the duty of said board of revenue, without delay, by sale or hypothecation of bonds, to raise the money necessary to liquidate and settle the entire present floating debt of said county as the same may be compromised or adjusted by said board of revenue as now provided by law. Duty of board of revenue.

SEC. 7. *Be it further enacted*, That the coupons for interest on the bonds authorized to be issued by this act, and the coupons for interest maturing after the passage of this act, on any valid bonds of said county heretofore issued and now outstanding, shall be receivable in payment of taxes, fines and all other dues to said county; *Provided*, That no coupons shall be received in payment of taxes or other dues to the county unless such coupon is detached from the bond by the officer receiving the same, or in his presence at the time the same is so received. Detached coupons must be passed upon, allowed and paid by the board of revenue as other claims against the county, and when so paid must be cancelled; and all coupons received by the tax collector or any other public officer in payment of taxes or other dues to said county, must be delivered to the clerk of said board of revenue, who shall receipt for the same, stating the number and amount of each coupon so received, and the same shall likewise be cancelled, and in all cases such cancellation of any coupon shall be entered by said clerk on the registry of the bond to which said coupon was appended. Valid coupons receivable for taxes.

SEC. 8. *Be it further enacted*, That said board of revenue shall have all the power and authority in reference to the levy and collection of taxes, the custody and control of the funds or property of the county, and the control and provision for the paupers of said county, and in reference to claims against the county heretofore exercised by the court of county commissioners of said county, and all laws or parts of laws conferring rights, powers or duties on said court of county commissioners in reference to any of the matters aforesaid are hereby made applicable to said board of revenue. Jurisdiction of board of revenue.

SEC. 9. *Be it further enacted*, That it shall be the duty of the judge of probate of said county to confer with said board of revenue whenever required by the board, or whenever in his judgment it may be necessary or expedient in reference to the finances or property of said county. Duty of Judge of Probate.

Duty of clerk.

SEC. 10. *Be it further enacted*, That it shall be the duty of the clerk of said board of revenue to keep full and correct accounts of all receipts, including coupons for interest on bonds, and of all expenditures on account of the general fund, and also an account of the fine and forfeiture fund of said county.

Coupons received in payment of fines and forfeitures refunded to the fine & forfeiture fund from the general fund.

SEC. 11. *Be it further enacted*, That the amount of all coupons for interest on bonds received in payment of fines and forfeitures must be refunded to the fine and forfeiture fund from the general fund of the county, and said board of revenue shall exercise the same control and authority in reference to said fine and forfeiture fund as in reference to the other finances of the county; but the provisions of this act in reference to the payment of the indebtedness of said county by the issue, exchange, sale or hypothecation of bonds of the county shall not apply to claims against the fine and forfeiture fund of said county; such claims shall be paid in the same manner and in the same order of priority as now provided by law.

No suit again't co. until claim has been present'd to board of revenue within time prescribed by law.

SEC. 12. *Be it further enacted*, That no suit shall be brought against said county until the claim or demand has been presented, within the time limited by section 909 (775) of the Revised Code, to said board of revenue, and either disallowed or reduced by said board and refused by the party.

Bonds may be called in before maturity.

SEC. 13. *Be it further enacted*, That all or any part of the bonds issued under this act may be called in by said board of revenue before maturity, when the funds of the county, after paying interest and current expenses, are sufficient to pay the same, and if any bonds so called in are not presented for payment as required, by publication in one or more newspapers published in the city of Montgomery, the interest on such bonds shall cease after the maturity of the coupon for interest which falls due next after such publication.

Authority to administer oaths.

SEC. 14. *Be it further enacted*, That the president, clerk or any member of said board of revenue is authorized to administer oaths and take affidavits in reference to any matter pertaining to the finances of said county.

Approved March 19, 1875.

No. 497.]

AN ACT

To authorize the commissioners court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners for Russell county is hereby authorized to appoint from the citizens of said county, three discreet persons, who shall be styled the "Board of Finance for Russell county," and as such shall be commissioned by the probate judge of said county. Authority to appoint a bo'rd of finance.

SEC. 2. *Be it further enacted,* That said board of finance shall have authority to ascertain, adjust and settle the indebtedness of said county, upon such terms as may be agreed upon between said board and those who hold claims of any description against said county; *Provided,* That said agreement shall be reported, in writing, signed by said board of finance and the persons holding such claims, to the court of county commissioners of said county, and when ratified and approved by said court it shall be binding upon said county of Russell and upon the creditors of the county who may have signed the same. Authority and duties of said board.

SEC. 3. *Be it further enacted,* That the court of county commissioners of Russell county, upon the written recommendation of the board of finance, shall have authority to issue the bonds of said county, for such sum not to exceed twenty-five thousand dollars, as the board of finance may recommend; and the said bonds shall be of such denominations, and mature at such dates, and be payable at such place as said board of finance may determine, with coupons attached, bearing interest at the rate of eight per cent. per annum, payable to bearer, and receivable in payment of all county taxes. Authority to issue bonds.

SEC. 4. *Be it further enacted,* That any person who shall counterfeit said bonds, or the coupons of the same, shall be guilty of forgery, and on conviction thereof shall be sentenced to hard labor in the penitentiary for a term of not less than two nor more than ten years; and any person who shall unlawfully issue said bonds, or shall issue the same for any other purpose than the Penalty for counterfeiting said bonds.

settlement of the indebtedness of the county in the mode indicated in this act, or who shall issue the bonds of the county for a sum in excess of the said sum of twenty-five thousand dollars, or in any other mode and upon any other authority than that contained in the third section of this act, shall be guilty of forgery, and upon conviction thereof shall be punished by imprisonment and hard labor in the penitentiary for a term of not less than two nor more than ten years.

Levy of special
tax.

SEC. 5. *Be it further enacted*, That for the purpose of providing a fund for the payment of the principal and interest of the bonds hereinbefore authorized to be issued, the court of county commissioners of the county of Russell is hereby authorized and required, upon the written recommendation of the board of finance, to levy a special tax upon all property, licenses, and businesses, subject to taxation, in said county, of such an amount not to exceed twenty-five per cent. upon the State tax collected in said county, as said board of finance may recommend, and said tax shall be levied and collected annually until said bonds shall have been paid, unless, in the opinion of the board of finance, the ordinary revenue of the county shall be sufficient to pay the same.

Duty of county
treasurer.

SEC. 6. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall not be valid until they have been signed by the probate judge, and countersigned by the treasurer of the county of Russell, and the seal of the county affixed thereto; and the county treasurer must keep a correct account of all bonds issued and disposed of under the provisions of this act, showing the number, date, denomination and maturity of each bond; and all bonds issued under this act shall be exempt from tax on seals, and State, county and municipal taxes.

Oath subscribed
by each
member of the
board.

SEC. 7. *Be it further enacted*, That each member of the board of finance, before entering upon the duties of his office, shall take and subscribe to an oath before the probate judge of said county, faithfully and to the best of his ability to perform the duties which are or may be by law imposed upon him as a member of said board. The members of said board of finance shall be entitled to receive from said county as compensation for their services, such an amount as may be necessary to defray their actual expenses while engaged in performing the duties herein prescribed, and all expenses incident to

the preparation, execution and issue of said bonds, together with all other expenses incurred by said board of finance in the discharge of their duties shall be paid by the treasurer of the county upon the warrants of said board, signed by the members thereof. Compensation of board of finance.

SEC. 8. *Be it further enacted*, That the board of finance shall elect one of their number president of the board, and another secretary of the board, and shall keep in a book for that purpose minutes of all their proceedings, and a register of all claims which may be presented for settlement, together with the amount and dates of all payments which may be made on the same, and the receipts therefor of all parties to whom such payments may be made. Upon the resignation of any member of said board of finance, or in the event of a vacancy in said board from any other cause, it shall be the duty of the court of county commissioners, as soon as possible after such vacancy occurs, to fill the same by the appointment of another suitable person. Duties of board of finance. Upon resignation how vacancy is filled.

SEC. 9. *Be it further enacted*, That in the collection of the special tax hereinbefore authorized to be levied and collected, the tax collectors of said county shall be required to receive from the tax payers no county orders or other funds than the currency of the United States, or such funds as may be at par with said currency, except the coupons attached to the bonds herein authorized, which said coupons shall be received at their face value for all taxes of the county. And the tax collectors shall be and they are hereby authorized to enforce the collection of said special tax in the same way as is now provided by law for the collection of taxes. Currency of United States to be received in payment of special tax.

SEC. 10. *Be it further enacted*, That the tax assessor, tax collector and treasurer of said county of Russell shall be entitled to receive no additional compensation for the assessment and collection of said special tax or, the safe keeping of the funds arising from the same.

Approved March 17, 1875.

No. 498.]

AN ACT

To repeal an act entitled "An act to amend an act entitled an act to establish revenue laws for the State of Alabama," approved February 9, 1870, so far as the same relates to Tallapoosa, Chambers, Lee and Barbour counties.

Repealing act.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama, approved February 9, 1870, be and the same is hereby repealed so far as the same relates to Tallapoosa, Chambers, Lee and Barbour counties.
Approved February 20, 1875.

No. 499.]

AN ACT

To repeal an act relating to the term of office of the several tax collectors in this State, approved December 17, 1873, so far as the same relates to Lauderdale county.

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act relating to the term of office of the several tax collectors in this State, approved December 17, 1873, be and the same is hereby repealed, so far as the same relates to the county of Lauderdale.

SEC. 2. *Be it further enacted,* That immediately upon the passage of this act Jack Stutts, the newly elected tax collector of Lauderdale county, upon his being qualified as required by law, shall enter upon the discharge of his official duties.

Repealing clause.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 17, 1874.

No. 500.]

AN ACT

For the relief of T. W. Smith, tax collector of Autauga county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That T. W. Smith, tax collector of Autauga county, be allowed until the 1st Monday in March, 1875, to make report of his list of insolvencies and errors to the commissioners court of said county; and that said Smith be allowed until the first Monday in June, 1875, to sell lands of delinquent tax payers in said county; *Provided,* That nothing in this act shall be construed to interfere with the rights and privileges of Joseph Abraham, tax collector elect of Autauga county; *Provided, however,* That this act shall not have the force and effect of law until the written consent of the sureties on the official bond of T. W. Smith, tax collector, shall be first had and filed with said official bond in the office of the judge of probate of Autauga county. Time extended
Proviso.
Sureties to file consent.

SEC. 2. *Be it further enacted,* That all laws in conflict herewith are hereby repealed.

Approved March 4, 1875.

No. 501.]

AN ACT

For the relief of D. A. Moniac, late sheriff of Baldwin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the State Auditor be and is hereby authorized and required to draw his warrant on the State Treasurer for the sum of seventy-five dollars, being amount paid by him for the arrest of William Sterrett, a fugitive from justice charged with the crime of murder. Compensation.

Approved March 19, 1875.

No. 502.]

AN ACT

For the relief of the minor children of the late Council Stephenson, deceased.

Authorized to
qualify with-
out sureties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon a proper and legal application, the judge of the probate court of Barbour county be and is hereby authorized and required to issue letters of guardianship to Susan Stephenson, as the guardian of Emma Stephenson, Laura Stephenson, Charles Stephenson, Andrew Stephenson, Joseph Stephenson, and Julia Stephenson, without requiring her, the said Susan Stephenson, to give security on her bond as such guardian.

Approved February 11, 1875.

No. 503.]

AN ACT

For the relief of Henry W. Battle, of the county of Barbour.

Authorized to
qualify not-
withstanding
minority.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Henry W. Battle, of the county of Barbour, be and he is hereby authorized and empowered to qualify as justice of the peace of beat No. 5 of Barbour county, by filing a bond and oath of office as required by law in such cases, notwithstanding his minority, and to discharge the duties of such office free from pains and penalties, which by the provisions of any law of the State might be imposed upon him in consequence of his minority and his exercise of such duties; *Provided,* That in no case hereafter shall the said Henry W. Battle take advantage of his minority in any court of the State.

Approved January 30, 1875.

No. 504.]

AN ACT

For the relief of Bird Fitzpatrick, of Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Bird Fitzpatrick, of Bullock county, be

authorized and empowered to return the assessment of his lands lying in Macon county to the assessor of Bullock county, and to pay the taxes on the same to the tax collector of Bullock county, instead of to the tax collector of Macon county, any law to the contrary notwithstanding. May pay taxes in Bullock.

Approved March 17, 1875.

No. 505.]

AN ACT

For the relief of William M. Smith, of Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William M. Smith, of Chambers county, be authorized and allowed to peddle in Chambers county without taking out a license therefor, in any goods, wares or merchandise, except vinous or spirituous liquors. Authorized to peddle without license.

Approved March 15, 1875.

No. 506.]

AN ACT

For the relief of F. S. Ulmer, tax collector of the county of Choctaw.

WHEREAS, F. S. Ulmer, tax collector of Choctaw county, was required by the publisher of the Choctaw Herald, a newspaper published in said county, to pay for the advertisement of lands advertised to be sold for taxes due for tax year 1873, a sum of money greatly in excess of that allowed by law ; and whereas, said Ulmer, acting under legal advice, paid said sum in excess of the amount allowed by law— Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That F. S. Ulmer, tax collector of Choctaw county, be allowed until the first of January, 1876, within which to pay into the treasury of the State the sum of one thousand and eighty dollars, being a part of the taxes collected by him for taxes of the year 1873 ; *Provided,* The securities of said Ulmer, tax collector of said Choctaw county, shall first sign and deliver to the au- Time extended Sureties to file consent.

ditor of public accounts their written consent for the extension of time herein allowed said Ulmer, tax collector as aforesaid, within which to pay over said money.

Approved March 20, 1875.

No. 507.]

AN ACT

To change the name of Elisha H. Pool, an infant of Coffee county, to Elisha H. P. Simmons.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the name of Elisha H. Pool, an infant of Coffee county, be and the same is hereby changed to Elisha H. P. Simmons.

Approved March 17, 1875.

No. 508.]

AN ACT

To amend an act entitled "An act for the relief of Nellie Croney, of Colbert county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act for the relief of Nellie Croney, of Colbert county," approved February 1, 1872, which is in the following words: "Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners of Colbert county are hereby authorized, and it is made their duty, to appropriate out of money in the county treasury, or money in the hands of the tax collector, annually, the sum of sixty dollars, for the especial use and benefit of Nellie Croney, a citizen of said county; and that Andrew Haines of said county is hereby authorized to make application for said appropriation, and to receive said amount, to apply the same,"

Amendment. be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners of Colbert county are hereby authorized, and it is made their duty, to appropriate out of money in the county treasury, or money in the hands of the tax collector, annually, commencing on the first day of February, 1872, the sum of sixty dollars, for the especial use

and benefit of Nellie Croney, a citizen of said county; and that Andrew Harris, of said county, is hereby authorized to make application for said appropriation, receive said amounts, and apply the same.

Approved January 29, 1875.

No. 509.]

AN ACT

For the relief of Isaac Nolen, of the county of Clay.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Isaac Nolen, of the county of Clay, and ^{A liner.} who resides near the line between the counties of Clay and Randolph, be and he is hereby declared a liner between the said counties of Clay and Randolph.

SEC. 2. *Be it further enacted*, That the tax assessor and tax collector of the county of Clay be and they are hereby authorized to assess and collect the taxes on the real ^{Taxes assessed and collected in Clay.} estate of the said Isaac Nolen lying on the line of said counties, and being in the county of Randolph; and that the said Isaac Nolen be and he is hereby relieved from paying any taxes to the county of Randolph which may hereafter accrue on said lands, any law to the contrary notwithstanding.

Approved February 25, 1875.

No. 510.]

AN ACT

For the relief of the Judge of Probate of Coosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John S. Bentley, judge of the probate court of Coosa county, be and he is hereby relieved from the disabilities imposed by section 635 of the Revised Code of Alabama in all cases cognizable before said court; ^{Relief from disabilities.} *Provided*, The parties interested first signify their ^{Proviso.} consent thereto in writing, filed in said court, and such consent in cases of minors may be given by the guardian of such minor.

SEC. 2. *Be it further enacted*, That all laws and parts

of laws in conflict with this act be and the same are hereby repealed.

Approved March 18, 1875.

No. 511.]

AN ACT

For the relief of James M. K. Little, Tax Collector of Covington county.

Time for settlement
tended. e x -

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That James M. K. Little, tax collector of Covington county, be allowed until the first Monday in April, 1875, to make report of his list of insolvencies and errors to the commissioners court of said county; and that he be allowed until the first Monday in May, 1875, to sell the lands of delinquent tax payers in said county; and that he be allowed until the first Monday in June, 1875, to make his final settlement with the auditor of the State; *Provided,* That this act shall not have the force and effect of law until the written consent of the securities on the official bond of said Little, tax collector as aforesaid, shall be first had and filed with said official bond in the office of the judge of probate of said county of Covington.

Proviso.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 17, 1875.

No. 512.]

AN ACT

To authorize the Commissioners Court of Covington county to pay J. J. Richards for carrying a lunatic to the Insane Hospital, and also to levy a special tax to pay claims of a similar character in said county.

Authority to levy a special tax.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on and after the passage of this act, the commissioners court of Covington county are hereby authorized to issue their warrant or authorize the coun-

ty treasurer to pay the amount of one hundred and thirty-two dollars (\$132.00) to J. J. Richards for carrying one W. G. Hendly to the insane hospital, October 23, 1874, from Covington county, of which hospital he has a receipt of the delivery of said W. G. Hendly.

SEC. 2. *Be it further enacted*, That the said commissioners court are hereby authorized to levy a special tax for all claims of a similar character as above named, any law or laws in conflict with the provisions of this act to the contrary notwithstanding.

Approved February 25, 1875.

No. 513.]

AN ACT

For the relief of the sureties of J. V. Benbow, the former tax collector of Crenshaw county.

WHEREAS, A. A. Benbow, Evan Benbow, J. H. Howard, M. G. Johnson and J. P. Barbour, the sureties on the official bond of J. V. Benbow, the former tax collector of Crenshaw county, have made settlement with said county of their indebtedness arising from the default of said collector in the sum of three thousand three hundred dollars, and being owners of small estates, have been greatly straitened and oppressed to effect the same; and whereas, there is a balance due the State of eighteen hundred dollars, the collection of which, if practicable, would be hard and oppressive, and it is the opinion and wish of all the civil officers of said county that said sureties should be relieved, and have petitioned, with many other citizens of said county, for the same—therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sureties on the official bond of J. V. Benbow, the former tax collector of Crenshaw county, be and they are hereby discharged from all liability and indebtedness thereon by reason of any default of their principal; that nothing in this act shall be so construed as to affect the liabilities of said sureties to the county of Crenshaw in consequence of said failure of J. V. Benbow, as such tax collector of said county.

Approved February 20, 1875.

No. 514.]

AN ACT

For the relief of M. N. Killebrew and son, of the county of Dale.

Preamble.

WHEREAS, M. N. Killebrew and son, of the county of Dale, began the erection of a manufacturing establishment for the manufacture of woolen cloth in the year 1872, and by mistake of the several officers failed to get the benefit of the provisions of subdivision sixteen (16) of section three of the act to create revenue laws for the State of Alabama, approved in 1868; and whereas, said Killebrew and son could not avail themselves of the provisions of the act to exempt from taxation manufacturing establishments, passed in 1872; and whereas, in the opinion of this general assembly, home manufacturing establishments should be encouraged—therefore,

Exempt from taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That M. N. Killebrew and son, of the county of Dale, be and they are hereby exempt from taxation upon all the buildings, machinery and stock of every description used and employed in and about their manufacturing establishment in said county for the space of two years from and after the passage of this act, and the said M. N. Killebrew and son are also hereby relieved from the payment of all taxes assessed upon said buildings, machinery and stock for the fiscal year 1874, and from the penalty incurred for the non-payment of the same, any law of this State to the contrary notwithstanding.

Approved March 11, 1875.

No. 515.]

AN ACT

For the relief of Charles E. Miller, of Dale county.

Support set aside for him.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the treasurer of Dale county be and he is hereby authorized to set apart a sufficient sum of money out of the county treasury, not to exceed thirty (30) cents per day, for the support of Charles E. Miller, who is a pauper of said county.

Approved February 25, 1875.

No. 516.]

AN ACT

For the relief of justices of the peace in the county of Dale.

WHEREAS, The justices of the peace in the county of Dale, are by law made the apportioners of roads for their respective beats—therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the several justices of the peace in the county of Dale, for appointing overseers and apportioning hands to the several public roads in said county, shall be entitled to the sum of fifty cents for each road warrant or commission issued by them, which shall be allowed by the court of county commissioners of said county upon proof of the service rendered, and paid out of the county treasury. ^{Compensation allowed.}

Approved January 23, 1875.

No. 517.]

AN ACT

To authorize Amos Ryan, a cripple, of the county of DeKalb, to peddle in said county without license.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Amos Ryan, of the county of DeKalb, ^{Exempt from license.} in consideration of his having lost one leg in the late war, and of the necessity of his following some such vocation to support a large and helpless family, be and he is hereby authorized and empowered to peddle dry goods and family groceries (vinous or spirituous liquors excepted) within the limits of said county of DeKalb, without being required to pay the usual license required by law for such privileges.

Approved January 26, 1875.

No. 518.]

AN ACT

For the relief of John S. C. Glenn, tax collector of Elmore county.

Time for final
settlement ex-
tended.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax collector of Elmore county shall have until the first of May next to make final settlement of his accounts as such tax collector; *Provided,* The sureties on his official bond shall give their written consent to this extension, to be filed with the judge of probate of Elmore county; *Provided further,* That nothing in this act shall interfere in any manner with the rights of the tax collector elect of said county.

Approved March 15, 1875.

No. 519.]

AN ACT

For the relief of H. M. Meadow, late tax collector of Elmore county.

WHEREAS, H. M. Meadow, as the tax collector of Elmore county, paid over to the county superintendent of said county, under an order from the superintendent of education, as provided by law on the 22d day of February, 1868, out of the taxes he held in his hands for said county, the sum of eight hundred dollars, for which he was allowed no credit on his settlement with the auditor, but was required to account for the same, and to pay it over again into the State treasury, with the exception of one hundred and twenty-two dollars—therefore,

Appropriation
in favor of.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor be and he is hereby authorized and required to draw his warrant on the State treasurer in favor of H. M. Meadow for the sum of one thousand and forty-eight and 64-100 dollars, the amount now due him by the State.

Approved December 12, 1874.

No. 520.]

AN ACT

For the relief of the heirs and devisees of John Nelson,
deceased.

WHEREAS, The late John Nelson, by his will, devised to his grandsons, John, Jabez C., George T. and Gideon E. Nelson, in equal shares, as tenants in common, two certain plantations, known as the "Beverly and Carleton plantations," situated in what is now Hale county, Alabama; and whereas, for the years 1872, 1873 and 1874, said plantations were assessed by the tax assessor of said Hale county in gross as the lands belonging to the heirs of John Nelson; and whereas, during said years some of said heirs or devisees were minors, and during said years 1872, 1873, one of said minors, George T. Nelson, was without any legally constituted guardian; and whereas, said lands were sold for taxes for said years 1872 and 1873, and purchased by the State of Alabama; and whereas, since said assessments said lands have been partitioned and divided between said tenants in common; and whereas, the probate judge of said Hale county is unauthorized to allow each of said heirs or devisees to separately redeem his share or lot of said lands for the taxes for said years 1872 and 1873, and to receive the respective portions of said taxes due by each of said heirs or devisees in proportion to his respective interest in said lands, and the tax collector of said county is unauthorized to receive the respective portion of each of said heirs or devisees of the taxes assessed against said lands for the year 1874; and whereas, each or any of said heirs or devisees are thereby prevented from discharging the liens and incumbrances of said taxes on his or their several shares of said lands; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the probate judge of Hale county be and he is hereby directed and authorized to receive from any or either of said devisees, John, Jabez C., Gideon E. and George T. Nelson, their or each of their personal representatives or vendees, the one-fourth part of the taxes levied upon said plantations, or either of them, for said years 1872 and 1873, and to allow each of said devisees to redeem from the State of Alabama his share of said plantations, or either of them, by paying the

Preamble.

Authority to
redeem from
the State lands
sold for taxes.

one-fourth part of the taxes and costs against said plantations, or either of them, during each of said years, and to discharge all liens to the State of Alabama growing out of said purchases upon his or their share or shares so redeemed.

SEC. 2. *Be it further enacted*, That the tax collector of said Hale county be and he is hereby authorized and directed to receive from each of said devisees, or the personal representative or vendee of either of them, the one-fourth part of the taxes assessed for the year 1874 against said lands in full satisfaction of the taxes, State and county, assessed against the share of each of said devisees.

Approved January 29, 1875.

No. 521.]

AN ACT

For the relief of Mrs. Clara T. Irwin, administratrix of T. J. Irwin, deceased, and F. R. Freeman, administrator of Andrew B. Irwin, deceased.

Authority to
continue ad-
ministration,
notwithstand-
ing removal.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. Clara T. Irwin, administratrix of the estate of T. J. Irwin, deceased, and F. R. Freeman, administrator of the estate of Andrew B. Irwin, deceased, be and they are hereby authorized and empowered to continue their administrations of said estates commenced and now pending in the probate court of Henry county, notwithstanding their removal to and residence in the town of Fort Gaines, Georgia.

Approved December 17, 1874.

No. 522.]

AN ACT

To authorize the Governor to compromise and settle a balance claimed by the State against Z. J. Wright, late tax collector of Jackson county.

Gov. author-
ized to com-
promise.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor be and he is hereby authorized to make such compromise and settlement in

reference to a balance of taxes claimed by the State, as shown by the records of the auditor's office, as he may think, upon investigation of all the facts, the interests of the State require.

Approved March 18, 1874.

No. 523.]

AN ACT

For the relief of W. J. House, of Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the governor be empowered and instructed to issue a patent. Gov. to issue patent.
ed to grant a patent to W. J. House to the north-east quarter of section sixteen, township four, range eight, east, Jackson county.

Approved March 19, 1875.

No. 524.]

AN ACT

For the relief of Dr. Wm. J. McMahon, of the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, Dr. Wm. J. McMahon, of the county of Lawrence, shall be exempt from all license tax, State, county and municipal, now by law required for the practice of his profession as physician and surgeon, any law to the contrary notwithstanding. Relief from license tax.

Approved February 1, 1875.

No. 525.]

AN ACT

To change the name of Lee Terrell Kitchell, a minor, of Marengo county, to Lee Kitchell Terrell.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the name of Lee Terrell Kitchell, a mi- Name changed

nor, of Marengo county, be and is hereby changed to Lee Kitchell Terrell, and shall hereafter be called and known by the latter name, any law to the contrary.

Approved March 18, 1875.

No. 526.]

AN ACT

For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama, be and she is hereby authorized to sell and convey a title to the following described real estate, of which her husband, the said Henry H. Myers, a *non compos*, is seized, to-wit: Part of the north-west quarter of section 23, township 2, range 5, eighty (80) acres; seventy-five (75) acres in south-west quarter, part of section 23, township 2, range 5; twenty acres, part of north half of north-west quarter, section 23, township 2, range 5 west, lying and situate in Limestone county, Alabama, and containing, more or less, one hundred and seventy-five acres.

Approved February 15, 1875.

No. 527.]

AN ACT

For the relief of the county of Macon.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of the county of Macon be and it is hereby authorized and empowered to make preferred claims of all debts against said county for support of paupers, for necessary repairs of jail, and expenses incurred in securing the comfort of prisoners, and for lumber and repairs of bridges within said county.

SEC. 2. *Be it further enacted,* That for the purpose of carrying out fully the purpose and intent of this act, it shall be the duty of the treasurer of said county to pay

all claims for the purposes aforesaid, when endorsed "preferred," by order of the commissioners court, according to the order of their registration, in preference to all other claims, when there are not sufficient funds in the treasury to pay all claims against the county.

Approved March 18, 1875.

No. 528.]

AN ACT

To repeal an act entitled "An act to amend an act for the relief of the solicitors of the counties of Macon, Monroe and Baldwin," so far as the same relates to the county of Conecuh.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend an act entitled 'an act for the relief of the solicitors of the counties of Macon, Monroe, Baldwin and Conecuh,'" approved February 18, 1871, which reads as follows: Act recited. "That the solicitors of the counties of Macon, Monroe, Baldwin and Conecuh be paid a salary of not less than two hundred and fifty dollars per year, out of any money in the county treasury,"—be and the same is hereby repealed so far as the same relates to the solicitor of Conecuh county. Repealed.

Approved December 18, 1874.

No. 529.]

AN ACT

For the relief of Isabella M. Winston.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Isabella M. Winston, of Madison county, be and hereby is relieved from the disabilities to Relief from disabilities to marry. marry again resting upon a woman against whom a decree of divorce has been obtained under the existing laws of this State, and that she be authorized to assume Name changed the name of Isabella M. Hawkins.

Approved March 20, 1875.

No. 530.]

AN ACT

For the relief of James Harrison, late sheriff of Marengo county.

SECTION 1. *Be it enacted by the General Assembly of* Appropriation to pay for making arrests *Alabama,* That the auditor be and he is hereby required to draw his warrant on the treasurer in favor of James Harrison for the sum of ninety-three dollars and twenty-five cents, being amount expended by said Harrison while sheriff of Marengo county in pursuing, under requisitions from the governor of this State, arresting and bringing to trial persons under indictment in said county.

Approved March 19, 1875.

No. 531.]

AN ACT

For the relief of Henry St. Paul, of Mobile county.

SECTION 1. *Be it enacted by the General Assembly of* Relieved from dueling acts. *Alabama,* That Henry St. Paul, of Mobile county, be and he is hereby relieved, freed, and discharged of all pains, penalties and disabilities by him, at any time before the passage of this act, incurred under or by reason of paragraph four, section one hundred and forty-four of the Revised Code of Alabama, or by reason of the violation of sections thirty-five hundred and fifty-one and thirty-five hundred and fifty-two of said Code; and he is hereby relieved from the duty imposed by section one one hundred and forty-nine of said Revised Code, so far as the same applies to any act by said St. Paul, by him done prior to the passage of this act.

Approved December 16, 1874.

No. 532.]

AN ACT

For the relief of J. R. Wing.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor shall draw his warrant on the treasurer in favor of J. R. Wing, for locks and keys furnished and repairing done on desks of the house of representatives, for the sum of seventy-seven dollars and a half, for the year 1873. Appropriation.

Approved March 19, 1875.

No. 533.]

AN ACT

For the relief of J. D. B. McDuffie, late tax assessor of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That J. D. B. McDuffie, late tax assessor of Montgomery county, shall be entitled to receive, out of Authorized to receive certain fees due him. any moneys which are now or may hereafter come into the hands of the treasurer of Montgomery county, as funds belonging to Montgomery county, a sum equal to the amount of fees charged to William Falconer, formerly tax collector of Montgomery county, upon the tax books of said county for the year 1870, as due to said J. D. B. McDuffie, who was tax assessor for that year, which fees the said William Falconer failed to collect and pay over to the said J. D. B. McDuffie, and from the collection of which said William Falconer has been relieved by law; *Provided,* That this shall be so construed as not to allow any payment or compensation for any errors in assessment. Proviso.

SEC. 2. *Be it further enacted,* That it shall be the duty of the court of county commissioners of Montgomery county to examine the tax books of Montgomery county for the year 1870, and ascertain what amount, if any, is due to said J. D. B. McDuffie for fees for said year 1870, and as soon as the amount is ascertained, to order a warrant to be drawn on the treasurer of Montgomery county for the amount so ascertained to be due, and interest thereon from the first day of April, 1871. Duty of commissioners' court

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 6, 1875.

No. 534.]

AN ACT

To exempt Arthur C. Walker, of Montgomery county, Alabama, from paying license for practicing the profession of dentistry.

Relieved from
license tax.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Arthur C. Walker, of Montgomery county, Alabama, be and is hereby relieved from payment of all licenses, State, county, and municipal, required of dentists for the practice of dentistry.

Approved December 8, 1874.

No. 535.]

AN ACT

For the relief of Jesse J. Woodall, tax collector of Morgan county.

Preamble.

WHEREAS, Jesse J. Woodall, tax collector of Morgan county for the years 1871, 1872 and 1873, was required, under the 55th section of the revenue law of 1868, to report to the February term of the commissioners court of said county, in each of said years, lists of insolvencies and errors of assessment, which it was impossible for him to ascertain; and whereas, many persons listed for taxes each of said years have, since his report, proven insolvent, many others listed for taxes were dead, and others were listed by mistake; therefore—

Commissioner's
court author-
ized to allow
credit for er-
rors and insol-
vencies when
proven.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the commissioners court of said county, at their next regular term to be held for said county, to receive and examine such lists of insolvencies and errors of assessment as the said tax collector shall at said court report, on oath, for the years 1871, 1872 and 1873, (not heretofore reported by him,) and such court, after examing such lists and such proof

as the said collector may adduce, shall give him credit for such parts of said lists as shall be made to appear to said court to have been and to be insolvent, erroneous, and uncollected, for the amount of county taxes due thereon.

SEC. 2. *Be it further enacted*, That it shall be the duty of the judge of probate of said county to certify such lists of insolvencies and errors as may be allowed by said commissioners court as a credit to said tax collector, to the auditor, who shall allow the said tax collector credit on his final settlement for the amount of taxes due the State thereon.

Probate judge
must certify to
auditor.

Approved March 1, 1875.

No. 536.]

AN ACT

For the relief Seaborn A. Edwards, of Perry county, as administrator of the estate of A. M. Mahan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and required to issue his warrant upon the treasurer in favor of Seaborn A. Edwards, as administrator of A. M. Mahan, deceased, for the sum of thirty-three 90-100 dollars, being the amount of excessive State tax imposed upon the lands of the said estate for the year 1870.

Excessive tax-
es refunded.

SEC. 2. *Be it further enacted*, That the court of county commissioners of Perry county be authorized and required to refund to said Edwards, as such administrator, the amount of county tax assessed upon the said sum of thirty-three 90-100 dollars.

Approved February 3, 1875.

No. 537.]

AN ACT

For the relief of George R. Woods and Mary A. Woods, of Pickens county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the marriage heretofore celebrated be-

Marriage legalized.

tween George R. Woods and Mary A. Woods, of Pickens county, be and the same is hereby legalized, any law to the contrary notwithstanding; and that the issue of said marriage are hereby declared to be legitimated.

SEC. 2. *Be it further enacted*, That the said Mary A. Woods is hereby relieved of all the pains and penalties of the law incurred by the intermarriage with said George R. Woods.

Approved December 17, 1874.

No. 538.]

AN ACT

For the relief of Daniel N. Hicks, late tax collector of Pickens county.

Refunding
overpaid taxes

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor of public accounts of this State be and he is hereby authorized and required to draw his warrant upon the treasurer for one hundred and eighty-one dollars and fifty cents in favor of Daniel N. Hicks, late tax collector of Pickens county, being the amount overpaid by him as said tax collector, as shown by his final settlement with the auditor of public accounts.

Approved December 17, 1874.

No. 539.]

AN ACT

For the relief of Solomon and Woolf.

Appropriation
for.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of one hundred and forty dollars be paid to Solomon and Woolf, of Troy, Pike county, Alabama, out of any money not otherwise appropriated in the treasury, and that the auditor draw his warrant for the same in their favor.

Approved February 13, 1875.

No. 540.]

AN ACT

For the relief of Stephen D. Rushing, of Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Pike county be and they are hereby authorized and empowered to audit and allow out of any moneys in the treasury of said county not otherwise appropriated the claim of Stephen D. Rushing, a special bailiff, for arresting, under legal process, and carrying from Montgomery to the jail of Pike county, Jim Waters, who was, in the circuit court of said county, convicted for grand larceny, and for which services, the defendant being insolvent, there is no adequate compensation provided by law.

Commissioner's
court author-
ized to pay for
arrest of pris-
oner.

Approved March 17, 1875.

No. 541.]

AN ACT

To allow Noel H. Grace, trustee of estate of Martha McCombs, deceased, to sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Noel H. Grace, the trustee of the estate of Martha McCombs, deceased, be and he is hereby authorized and empowered to sell the lands belonging to said estate of Martha McCombs without filing an application, making proof and obtaining an order therefor, and he may sell the same at private or public sale for a division among the heirs of said estate.

Empowered to
sell lands ei-
ther at public
or private sale

SEC. 2. *Be it further enacted,* That the said Noel H. Grace shall report said sale to the probate court of Randolph county, and have the same ratified and confirmed, and the title passed as in other cases of sales of real estate by administrators, trustees, &c.

Approved March 17, 1875.

No. 542.]

AN ACT

For the relief of John D. Pruitt, and Permely C. Bell, and George W. Rowe, and Elizabeth Smith, of St. Clair county.

Marriages
galized.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the marriage heretofore solemnized between John D. Pruitt and Permely C. Bell, of St. Clair county, be and the same is hereby legalized, and also the marriage between George W. Rowe and Elizabeth Smith, heretofore solemnized, be and the same is hereby legalized, and both of said marriages made valid, and that all the above named parties are hereby relieved from any prosecutions for bigamy, adultery or fornication by reason of said marriages.

Relieved from
prosecutions.

Approved February 17, 1875.

No. 543.]

AN ACT

For the relief of the tax payers of Talladega county.

Preamble.

WHEREAS, The tax payers of Talladega county have, under the head of "All other property not herein specified," levied an assessment upon the cotton, corn, fodder, peas, potatoes and other agricultural products in said county; and whereas, there has been made no such assessment in any other county in this State—therefore,

Tax collector
to allow cer-
tain credits.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax collector of the said county of Talladega, in collecting the taxes of said county, shall allow a credit to the tax payers of said county of assessments which may have been made upon the agricultural products therein under the head of "All other property not herein specified," and where the tax collector has collected from any tax payer any amount upon such assessment, that he shall refund the same upon application of the parties interested therein.

Commissioner's
court to in-
clude such
credits in list
of "errors."

SEC. 2. *Be it further enacted,* That the commissioners court of said county of Talladega is hereby authorized and required to include in the list of errors of assessment all such sums as may be credited or returned to the tax payers of said county by the tax collector, as in

the first section of this act he is required to do, which shall be a sufficient voucher for said collector in his settlement with the auditor of the State.

Approved December 8, 1874.

No. 544.]

AN ACT

For the relief of certain persons therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the marriage heretofore solemnized between Amos L. Graves and Ann A. Zachary, of Pike county, be and the same is hereby legalized and made valid; that the children of said marriage born, or that may hereafter be born, shall be made legitimate, and said parties are hereby relieved from any prosecutions for bigamy, adultery or fornication by reason of said marriage. Marriage legalized.
Children legitimated.
Relieved from prosecutions.

Approved March 19, 1875.

No. 545.]

AN ACT

For the relief of B. S. Thompson, of the county of Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of State be and he is hereby authorized to issue to B. S. Thompson, of Tuscaloosa county, patents for the following described lands, lying in the said county of Tuscaloosa, to-wit: The south half of the north-west quarter and the west half of the south-west quarter of section sixteen, township nineteen, range seven west. Sec'y of State authorized to issue patents.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 25, 1875.

No. 546.]

AN ACT

For the relief of P. L. Worsham, of Washington county.

Appropriation SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor of the State is hereby authorized to draw his warrant upon the treasurer for the sum of two hundred and ninety-two 65-100 dollars in favor of P. L. Worsham, of Washington county, for the expenses incurred by him in endeavoring to bring to justice John Simpson, a fugitive from said county, charged with the crime of murder.

Approved January 30, 1875.

No. 547.]

AN ACT

For the relief of the city of Troy.

May issue certificate of indebtedness. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and councilmen of Troy are hereby authorized to issue obligations, or certificates of indebtedness, to an amount not exceeding thirty-two thousand five hundred (32,500) dollars, in such denominations as shall be most convenient, payable at such time as the mayor and councilmen of Troy may appoint, not exceeding ten years from the date thereof, and to be signed by the mayor and countersigned by the clerk of said city; and as security for the payment of said obligations, or certificates of indebtedness, the mayor and councilmen of Troy shall have power, and are hereby required to levy and collect an annual tax of not exceeding two per centum per annum, ad valorem, upon all real property within the corporate limits of said city for the payment of said obligations, or certificates; but said tax shall not exceed in the aggregate, in any one year, three thousand two hundred and fifty dollars, or one-tenth part of the indebtedness evidenced by said obligations, or certificates.

Must levy and collect annual tax to pay said certificates.

Limitation.

Certificates receivable for taxes. SEC. 2. *Be it further enacted,* That said certificates of indebtedness shall be receivable in payment of all taxes assessed by the mayor and councilmen of Troy upon the real property or real estate in said city, within ten years from the date thereof, and in addition to this, said obli-

gations or certificates of indebtedness shall be issued and used exclusively for the purpose following, to-wit: To purchase the bonds known as the Troy bonds in aid of the Mobile and Girard Railroad, at fifty cents on the dollar of the face value of said bonds; and to purchase United States currency notes, dollar for dollar; and should said certificates be sold for the latter, then whatever amount of United States currency that shall have been received for the same shall be employed by the mayor and councilmen of Troy in the purchase of the said Troy bonds, if practicable, at fifty cents on the dollar, face value of said bonds.

Purpose for which to be used.

SEC. 3. *Be it further enacted*, That said obligations, or certificates of indebtedness, whatever may be their denomination, must be numbered, as well as signed by the mayor and clerk; and the number of said certificates of each denomination must be reported by the mayor to the mayor and councilmen of Troy, who are required, before negotiating the same, to have the number of certificates of each denomination recorded in the minutes of said mayor and councilmen of Troy.

Numbered, signed, &c.

SEC. 4. *Be it further enacted*, That within thirty days from the passage of this act, the mayor and councilmen of Troy are hereby authorized and required to appoint a commission of five members, citizens and real estate owners of the city of Troy, who, after being sworn to make a true and impartial assessment of the real estate in said city, shall ascertain and assess the value of all the real estate in Troy; and after said assessment shall have been made, and the value of each lot or parcel of real estate shall have been made known, according to such valuation, then the whole bonded debt of the city of Troy is to be apportioned to said real estate owners at fifty cents on the dollar of the face of said bonds; that is to say, thirty-two thousand five hundred dollars; and that said apportionment or pro rata share of said amount of thirty-two thousand and five hundred dollars may be paid by each real estate owner in Troy bonds, at fifty cents in the dollar upon their face value, or in greenbacks or United States currency, dollar for dollar; and that when such real estate owners shall pay said amount of said debt apportioned to them, either in Troy bonds, at fifty cents upon their face value, or currency, dollar for dollar, they shall receive in exchange for the amount

Commission appointed to assess realty.

Amount of indebtedness to be apportioned to realty.

Owner may pay pro rata & receive certificate.

so paid the same amount of the certificates of indebtedness.

Bonds to be
burned.

Proviso.

SEC. 5. *Be it further enacted*, That when said bonds shall all have been taken up, either with said certificates or purchased as before stated, the mayor and councilmen of Troy shall cause the same to be burned and destroyed; but nothing in this section contained shall prevent the mayor and councilmen of Troy from returning to any bondholder the bonds he may surrender to them under the provisions of this act, should the said city authorities be unable to arrange the whole bonded debt in accordance with above plan.

Validity of the
bonds not af-
fected by this
act.

SEC. 6. *Be it further enacted*, That nothing herein contained shall operate, or be construed to operate, to affect in any way or to any extent the question of the validity or effects of any of the bonds mentioned in this act, or the question of the validity or effect of any fact or thing which may be alleged or claimed to amount to the issue of said bonds, or of any of them, or the question of the validity or effect of any defense which has heretofore existed, or may now exist, to any suit which has heretofore been brought, or may hereafter be brought upon any of said bonds.

Approved December 17, 1874.

No. 548.]

AN ACT

For the relief of R. W. L. Watson, of the county of Wilcox.

Tax refunded. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor of public accounts be and he is hereby authorized and required to draw his warrant upon the treasurer in favor of R. W. L. Watson, of the county of Wilcox, for the sum of thirty-two 33-100 dollars, being the amount of taxes improperly collected of him by the tax collector of said county.

Approved December 17, 1874.

No. 549.]

AN ACT

For the relief of Thomas J. Burchfield, of the county of
Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the secretary of state be and he is hereby ^{Secretary of state author- ized to issue} authorized to issue to Thomas J. Burchfield patents for the following described lands, lying in the said county of Tuscaloosa, to-wit: The north-east quarter, the north half of the south-east quarter, and east half of the south-west quarter of section sixteen, township nineteen, range seven, west.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 25, 1875.

No. 550.]

AN ACT

For the relief of H. N. Traywick.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor shall draw his warrant on the treasurer for the sum of twenty dollars in favor of H. N. Traywick, for taxes wrongfully paid by him in the years 1869, 1870 and 1871. ^{Tax refunded.}

SEC. 3. *Be it further enacted,* That all laws and parts of laws in contravention of the provisions of this act be and the same are hereby repealed.

Approved March 18, 1875.

No. 551.]

AN ACT

To change the name of S. St. John Murrell.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the name of S. St. John Murrell, a minor ^{Name changed} son of Wm. Murrell, of Mobile county, be and the same is hereby changed to John W. Murrell, Jr.

Approved March 20, 1875.

No. 552.]

AN ACT

For the relief of the Mobile and Alabama Grand Trunk Railroad Company.

Preamble.

WHEREAS, It appears that the valuation of the property of the Mobile and Alabama Grand Trunk Railroad Company for the years 1873 and 1874 has been grossly excessive, whereby an oppressive and unjust amount of taxation has been demanded of said company, from non-payment of which heavy penalties have been incurred by said company—

Penalties remitted.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all penalties incurred by the said Mobile and Alabama Grand Trunk Railroad Company for non-payment of taxes for the years 1873 and 1874 be and the same are hereby released and remitted to said company; and for the purpose of securing an equitable valuation of the property of said railroad company, and relieving said company from the heavy burthen heretofore imposed upon it, the assessment heretofore made against said company for said years is hereby set aside, and the board of equalizers is hereby authorized and empowered to make new valuation of the property of said company, and to re-assess thereon the taxes which said company should be required to pay thereon for said years; and the said company is hereby allowed one year from the passage of this act to make payment of the taxes so re-assessed against said company; but nothing herein shall impair the right of the State to enforce the payment of said taxes in the manner now provided by law, in case said railroad company fail to make payment of said taxes within the time herein prescribed.

New valuation and assessm't authorized.

Allowed 1 year to pay.

SEC. 2. *Be it further enacted,* That all laws or parts of laws, so far as they conflict with the provisions of this act, be and the same are hereby repealed, as to the Mobile and Alabama Grand Trunk Railroad Company.

Approved March 20, 1875.

JOINT RESOLUTIONS.

No. 1.]

JOINT RESOLUTION

For the payment of certain claims for repairs to the furniture of the House.

Be it resolved by the General Assembly of Alabama, That the auditor is hereby required to draw his warrant on the treasurer in favor of J. R. Wing for the sum of twenty-eight dollars and twenty-five cents for repairs to the desks and other furniture, and furnishing locks and keys to the same, of the house of representatives; for the sum of sixteen dollars in favor of Alfred Campbell for work and labor done and materials furnished for repairs to desks in the house of representatives; for the sum of fifty-nine dollars and thirty-seven cents in favor of B. L. Wyman for the stoves and other articles necessary for the use of the house of representatives; for the sum of one hundred and eighteen dollars and eight cents in favor of Powell and Prickett for chairs, &c., furnished the house of representatives.

Approved December 14, 1874.

No. 2.]

JOINT RESOLUTION

Authorizing the Auditor to draw his warrant on the Treasurer to pay expenses of Joint Committee to visit State Penitentiary and State Farm.

Be it resolved by the Senate, the House of Representatives concurring, That the auditor is hereby authorized to draw his warrant on the State treasurer for the sum of sixty-five dollars in favor of W. H. Edwards, chairman of the special joint committee appointed to visit and examine the Alabama penitentiary and State farm, to pay the expense of said committee.

Approved December 17, 1874.

No. 3.

JOINT RESOLUTION

Requiring certain duties of the Clerks of the Judiciary Committees of House and Senate.

Resolved by the House of Representatives of the State of Alabama, the Senate concurring therein, That the clerk of the house judiciary committee, together with the clerk of the senate judiciary committee, be and they are hereby required as such clerks, as hereinafter specified, to assist the joint committee of the senate and house of representatives on the revision of the Code, to the end that all the acts of the present session of the general assembly of Alabama may be embraced in and published with the new Code, and to accomplish which it is hereby made the duty of the clerk of the house judiciary committee to inform himself as to what part or parts of the manuscript of the new revision of the Code is now in the hands of the house judiciary committee and the house committee on local legislation, and to insert therein, under the proper parts, chapters, articles, pages and sections, all the acts of the present general assembly already passed, of a general nature, or that may hereafter pass, from day to day, under the direction of the committee in whose hands that part of the manuscript may be in which such act or acts may properly be inserted, altering such sections as may be amended, so as to make same accord with the amendment made, noting such sections as may be repealed, and adding new sections, if any be enacted, so that the current numbers of the sections as they now stand in the manuscript be not changed, if possible, and to give notice from time to time and day to day, in writing, to the chairman of the committee having charge of that part of the manuscript in which act or acts may be entered or codified as such entry is made, designating the section and page where same may be found, so that same may be supervised by such committee as such entry is made; and the clerk of the senate judiciary committee shall be and he is hereby charged with like duties in reference to that part of the manuscript and acts affecting the same which may be in the hands of the senate judiciary committee and the senate committee on local legislation.

Approved December 17, 1874.

No. 4.]

JOINT RESOLUTION

To authorize the Judges of the Supreme Court to purchase certain acts of Alabama.

WHEREAS, Joel White has succeeded in procuring a full set of all the legislative acts of the State of Alabama, as well as while it existed in the character of a territory, which he proposes to exchange for an equivalent in the volumes of the reports of cases decided in the supreme court of the State—therefore,

Be it resolved by the Senate, the House of Representatives concurring, That the judges of the supreme court be authorized to entertain the proposal of Mr. White, and make such an arrangement with Mr. White for the purchase of said volumes of acts as the interests of the State may require.

Approved January 16, 1875.

No. 5.]

JOINT RESOLUTION

To pay James Hale, of Montgomery county, for work done on the Senate Chamber.

Be it resolved by the General Assembly of Alabama, That the auditor be and he is hereby authorized and directed to draw his warrant upon the State treasurer, in favor of James Hale, of Montgomery county, for the sum of eight dollars, for payment of repairs done upon the senate chamber in 1873.

Approved January 23, 1875.

No. 6.]

JOINT RESOLUTION

For the relief of W. B. and A. R. Bell, and William M. Knight.

Be it resolved by the House of Representatives, the Senate concurring, That the auditor is hereby authorized to draw his warrant on the treasury in favor of W. B. & A. R. Bell for the sum of six dollars for crape furnished the members of this house; and also to draw his warrant in favor of William M. Knight for two dollars and fifty cents, money paid by him for crape furnished the members of this house.

Approved February 13, 1875.

No. 7.]

JOINT RESOLUTION

To pay Williamson and Johns for work done upon the Senate Chamber and Hall of the House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor is hereby authorized and directed to draw his warrant upon the State treasurer in favor of Williamson & Johns for the sum of thirty-four (\$34) dollars for work done upon the senate chamber and hall of the house of representatives.

Approved February 17, 1875.

No. 8.]

JOINT RESOLUTION.

Be it resolved by the General Assembly of Alabama, That the auditor is authorized to draw his warrant on the treasurer in favor of Powell, Prickett & Co. for sixty-four dollars, and Wharton & Co. for four dollars, in payment of furniture furnished the senate chamber.

Approved February 20, 1875.

No. 9.]

JOINT RESOLUTION

Authorizing the Governor to lease the marine hospital at Mobile from the government of the United States.

WHEREAS, It appears from the memorial of the faculty of the Medical College of Alabama to the general assembly, and the accompanying letter from Col. S. D. Mills, special agent of the treasury department of the United States, that the government of the United States is probably willing to entertain a proposition, through the secretary of the treasury, for the lease of the marine hospital at Mobile, for the period of twenty-five years, to the State of Alabama, on such reasonable terms as would be advantageous to the State; and whereas, said hospital is situated so near to said medical college, that the same can be so managed by said medical faculty as to be greatly advantageous to both the hospital and the college, as well as the people of the State, without expense to the State, as is indicated in said memorial; therefore—

SECTION 1. *Be it resolved by the General Assembly of Alabama,*

That the governor of the State of Alabama be and he is hereby authorized and requested, for and in behalf of the State, to communicate with the secretary of the treasury of the United States, or such other officer or agent of the government of the United States as he may deem necessary, with the view of negotiating for and obtaining such a lease of said hospital, upon the terms stated in said memorial, and for the time therein indicated, more or less; and he is hereby authorized and empowered so to negotiate for and obtain said hospital, and dispose of same for the purposes and objects mentioned in said memorial; *Provided, however,* The governor is first satisfied that he can make, and has actually made with said medical faculty, such arrangement and agreement for sub-letting said hospital as will, in his opinion, save the State from ultimate liability for the rent or repairs of same; *And provided further,* That in the agreement of lease with said faculty it shall be stipulated that whenever there shall be sufficient room in said hospital, any county in the State shall have the right, under the rules and regulations that may be prescribed by said faculty, to send any of its citizens who may be a charge on such county, regardless of race, color, or previous condition of servitude, to such hospital for treatment at the expense of such county; *Provided,* Not more than seventy-five cents per day shall be charged for any such patient for board and medical treatment while such person remains an inmate in said hospital; and such county shall promptly, and as same may be required by said medical faculty, provide such necessary means of paying necessary hospital dues, and return mileage to the place whence such patient came; and said medical faculty shall have the right to make such needful rules and regulations for the management of said hospital as to them may seem advisable for the proper management of same; *Provided further,* That this act shall not apply to the county of DeKalb.

Approved February 23, 1875.

No. 10.]

JOINT RESOLUTION

To pay J. W. Jones for repairing roof of Senate Chamber.

Be it resolved by the General Assembly of Alabama, That the auditor is hereby authorized to draw his warrant on the treasurer in favor of J. W. Jones, for the sum of forty dollars (\$40), for services rendered in repairing the roof of the capitol.

Approved March 9, 1875.

No. 11.]

JOINT RESOLUTION

To pay F. Titcomb seventy-eight (\$78) dollars, for thirteen (13) days services as sergeant-at-arms of the house in 1872.

Be it resolved by the General Assembly of Alabama, That the auditor be and he is hereby authorized and required to draw his warrant on treasurer in favor of F. Titcomb, of Montgomery county, Alabama, for the sum of seventy-eight (\$78) dollars, for thirteen (13) days services as sergeant-at-arms of the house of representatives during the session of 1872.

Approved March 12, 1875.

No. 12.]

JOINT RESOLUTION

To provide for the settlement of the accounts of Dr. M. G. Moore, late warden of the Alabama Penitentiary.

Be it resolved by the General Assembly of Alabama, That the commissioners appointed to ascertain the bonded indebtedness of the State of Alabama be and they are hereby authorized to examine the accounts of moneys received and disbursed by Dr. M. G. Moore, late warden of the Alabama penitentiary, and ascertain the amounts, if any are due by the State, and so certify the same to the governor, who is hereby authorized to approve, if in his judgment the same is correct, when the auditor be and is hereby required to draw his warrant on the treasurer in favor of the respective parties and for the amounts so certified by the commissioners and the approval of the governor, out of any moneys in the treasury not otherwise appropriated.

Approved March 15, 1875.

No. 13.]

JOINT RESOLUTION

Authorizing and instructing the auditor to draw his warrant on the treasury in favor of Frank Cocke, for services rendered in raising two United States flags above the two houses at the beginning of the session.

Be it resolved by the House of Representatives, the Senate concurring, That the auditor is hereby authorized and instructed to draw his warrant on the treasury in favor of Frank Cocke for the sum of ten dollars, for services rendered in raising two United States flags above the two houses at the beginning of the session.

Approved March 17, 1875.

No. 14.]

JOINT RESOLUTION

For the pay of J. R. Wing, and others.

Resolved by the Senate and House of Representatives of the State of Alabama, That the auditor be authorized and required to draw his warrant on the treasurer of the State in favor of the following named persons, viz: J. R. Wing, for four 50-100 dollars, Benjamin B. Davis, for ninety cents, Schmidt & Oliver, for fifteen dollars, B. L. Wyman, eight 5-100 dollars, John L. Cobbs, eighteen 95-100 dollars, A. B. Peck & Co., four 90-100 dollars; said amounts being ordered by the door-keeper, and charges vouched for.

Approved March 17, 1875.

No. 15.] JOINT RESOLUTION AND MEMORIAL

Of the General Assembly of Alabama, to the Congress of the United States, in regard to the claim of the publishing house of the Methodist Episcopal Church, South, for the use of its buildings, machinery, stock, etc., by the army of the United States in the years 1864 and 1865.

To the Senate and House of Representatives of the Congress of the United States: Whereas, your memorialists, the general assembly of Alabama, is informed that the publishing house of the Methodist Episcopal Church, South, in Nashville, Tennessee, has filed

its petition before the congress of the United States asking indemnity for the use of its buildings, machinery, stock, etc., by the army of the United States in the years 1864 and 1865; and whereas, the said publishing house is a very large, useful and promising charity, instituted and conducted for exclusive public benefit, viz: for the general propagation and spread of morality, religion, and literature, and is therefore a matter of public concern; and whereas, we are informed that the non-payment of said claim seriously embarrasses the benevolent operations of said publishing house, the claim being large, as compared with the active capital of said house; therefore—

Be it resolved by the General Assembly of Alabama, That we do hereby memorialize and earnestly request the honorable congress of the United States, that the said claim be inquired into, and, so far as it may be found correct and supported by competent testimony, and by law and equity, that it be paid at the earliest convenience.

Approved March 17, 1875.

No. 16.]

JOINT RESOLUTION

To pay the expenses of the joint committee to inspect the State penitentiary and State farm.

Be it resolved by the Senate, the House of Representatives concurring therein, That the auditor of public accounts be and he is hereby authorized and required to draw his warrant upon the State treasurer in favor of the persons hereinafter named for the sums set opposite their names, to pay the expenses incurred by the joint committee of the general assembly to inspect the State penitentiary and State farm, to-wit: William H. Edwards, the sum of twelve dollars; J. D. Driesbach, the sum of twelve dollars; M. J. Green, the sum of twelve dollars; M. L. Fielder, the sum of twelve dollars; E. R. Mitchell, the sum of eighty dollars; W. R. Willis, the sum of eight 20-100 dollars; H. C. Rice, the sum of eight 20-100 dollars; A. Nummy, the sum of eight 20-100 dollars; Patrick Doran, the sum of six dollars.

Approved March 18, 1875.

No. 17.]

JOINT RESOLUTION

To pay Powell, Prickett & Co. for articles furnished the House of Representatives.

SECTION 1. *Be it resolved by the General Assembly of Alabama,* That the auditor is hereby authorized to draw his warrant on the treasurer in favor of Powell, Prickett & Co. for the sum of fifty-nine dollars and twenty-five cents (\$59.25) for furniture furnished the house and for repairing furniture of the house of representatives; said account is itemized and herewith attached.

Approved March 19, 1875.

No. 18.]

JOINT RESOLUTION

For the payment of repairs and articles furnished for the use of the House.

Be it resolved by the House of Representatives, the Senate concurring, That the auditor be and is hereby required to draw his warrant on the treasurer in favor of B. L. Wyman for four dollars and twenty-five cents for articles furnished for the use of the house; also in favor of Powell, Prickett & Co. for three dollars for repairs done and articles furnished for the use of the house; and also for twenty-five cents in favor of Hall, Jackson & Barnett for articles furnished for the use of the house.

Approved March 19, 1875.

No. 19.]

JOINT RESOLUTION

Submitting claims of W. A. C. Jones to the Commissioners appointed to investigate the bonded indebtedness of the State.

Be it resolved by the Senate and House of Representatives of Alabama in General Assembly convened. Section 1. That the matter of the petition of W. A. C. Jones in relation to his alleged claims against the State of Alabama, on which suit was pending in the circuit court of Montgomery county when the act was passed at the present session of this general assembly to repeal all laws authorizing suits to be brought against the State, and which said suit was dismissed by the supreme court under said act, be and the

same is hereby referred to Geo. S. Houston, T. B. Bethea and Levi W. Lawler, as commissioners, who as such commissioners are hereby empowered and instructed, during vacation, to fully investigate the said matter and the circumstances out of which it is alleged said claim arose, and report to the next session of the general assembly of Alabama what they may find the facts to be in relation thereto, so that such general assembly may take such action in relation thereto, if any shall be deemed advisable, as shall seem right and proper. Said commissioners, or any one or more of them, may send for persons and papers, take evidence in such manner as to them shall seem fit, and to do any and every act and thing necessary to enable them to form a correct conclusion as to said facts, including the amount of said claim, and in case they shall differ as to conclusions of facts which they are to report, then they shall, with their report or reports, send in the substance of the evidence taken by them.

Approved March 19, 1875.

No. 20.]

JOINT RESOLUTION

To provide for the printing of fifty thousand copies of the Report of the Joint Committee in regard to the amendment of the Constitution, and an act to provide for the calling of a Convention to revise and amend the Constitution of this State.

Resolved by the Senate, the House of Representatives concurring, That the State printer be authorized and directed to publish in pamphlet form fifty thousand copies of the report of joint committee in regard to the amendment of the constitution, and the act of the general assembly to provide for the calling of a convention to revise and amend the constitution of this State, and deliver the same to the secretary of state, for which he shall be entitled to receive the same compensation as he is now allowed by law for such printing, to be paid on the certificate of the secretary of state.

2d. *Be it further resolved,* That on receipt of said copies it shall be the duty of the secretary of state to distribute them in the various counties of this State in proportion to the population of said counties.

Approved March 20, 1875.

No. 21.]

JOINT RESOLUTION

In relation to numbering and keeping a correct docket of all Bills and Joint Resolutions which may be offered in each House of the General Assembly, and a list of all the committees appointed.

Be it resolved by the Senate of Alabama, the House of Representatives concurring therein, That it shall be the duty of the secretary of the senate and of the clerk of the house of representatives to correctly number each bill and joint resolution which may be offered in their respective houses in the order in which they are respectively offered; and also to keep a calendar or docket of each of said bills and joint resolutions, with their titles, or an abstract thereof, and numbers, and also a separate calendar or docket of the titles and numbers of all bills and resolutions received from the house, and also a list of all committees which may be appointed in their respective houses.

Approved March 22, 1875.

No. 22.]

JOINT RESOLUTION

Suspending the operations of an act entitled "An act to provide for the taking of the census of the State of Alabama for the year 1875," approved March 1, 1875.

Be it resolved by the General Assembly of Alabama, That the operations of an act entitled "An act to provide for the taking of the census of the State of Alabama for the year 1875," approved March 1, 1875, be and the same are hereby suspended until at such time as in the opinion of the governor of the State the same should go into effect, when it shall be his duty, by proclamation, published in one or more newspapers in the city of Montgomery and elsewhere, as he may deem best, to cause the same to be done.

Approved March 22, 1875.

No. 23.]

JOINT RESOLUTION

Providing for the payment of witnesses who testified before certain committees of the House, and the expenses of said committees.

Be it resolved by the General Assembly of Alabama, That the auditor be and he is hereby authorized and instructed to draw his warrant upon the treasurer ~~in~~ favor of Arthur Davis for the sum of eighteen and 50-100 dollars; in favor of Simon Houser for the sum of fourteen and 50-100 dollars; in favor of Adam Nunnelly for the sum of eighteen and 50-100 dollars; in favor of Hugh Carson for the sum of eighteen and 50-100 dollars; in favor of Joe Lanier for the sum of twenty-six 50-100 dollars; in favor of J. V. McDuffie for six and 50-100 dollars; in favor of Larkin Cattrell for the sum of fourteen and 50-100 dollars; in favor of W. H. Hunter for the sum of twelve dollars; in favor of E. H. Prickett for the sum of fourteen and 50-100 dollars; in favor of William Crocheron for the sum of fourteen and 50-100 dollars; in favor of William Anthony for the sum of fourteen and 50-100 dollars; in favor of Aug. Hamilton for the sum of twelve dollars; in favor of Daniel H. Workman for the sum of twelve dollars; in favor of Mrs. Hannah Abrams, of Montgomery, for the sum of fifteen dollars, for fuel and lights, the foregoing amounts being expenses incurred in the matter of the investigation of charges against W. D. Gaskin, a member of the house; and in favor of T. L. Appleby for the sum of forty-four and 50-100 dollars; and in favor of Bill Henry for the sum of fifteen dollars, as witness and commissioner to take testimony in the contested election case from Russell county.

Approved March 22, 1875.

JOINT MEMORIALS.

No. 1.]

JOINT MEMORIAL

Of the General Assembly of Alabama to the Congress of the United States.

To the honorable Senate and House of Representatives of the United States: The object of this memorial is to procure an appropriation of one hundred and fifty-one thousand dollars (\$151,000), for the improvement of the navigation of the Warrior river, from Tuscaloosa, the present head of navigation, to its junction with the Bigbee near Demopolis. The examination and survey, ordered by the government of the United States pursuant to an act of congress at the last session, was confided by the chief engineers to Major Horace Harding, an engineer of high character, whose energy, and capacity, and fidelity eminently qualified him for the service. That work has been done. Availing himself of the lowest stage of the water, he first made surveys upwards, beginning at Tuscaloosa, and found the improvement by locks and dams entirely practicable, at a moderate cost, as high up as the fork, a distance of fifty miles. Returning then to Tuscaloosa, while the water was yet at its lowest, he made the survey downwards to Demopolis, finding the channel of the river all the way down of very gradual descent, and finding the obstructions to be such as can be easily removed. It is to remove these obstructions to navigation in the lower Warrior, that an appropriation is asked. The vast mineral wealth all along above Tuscaloosa, the heart of which is penetrated by the Warrior, will, it is believed, cause all necessary improvements to be made in the upper Warrior by private enterprise, whenever the lower Warrior may be open to free and unobstructed navigation at all seasons of the year. For details and estimates, for the discussion of engineering principles involved, for

plans of improvements proposed, for maps and profiles, and for all statements and calculations necessary to sustain this memorial, we refer with confidence to the report made by Major Harding to the engineer-in-chief, a copy of which will doubtless be laid before you. It will suffice here to state only a few of its conclusions. The first of these is—and Major Harding says he “demonstrates” this—that it is entirely practicable to remove all the obstructions to the navigation of the lower Warrior to an extent that will, at extreme low water, give a minimum channel eighty feet wide and four feet deep. This would make the river navigable all the year round, and not a few months only, as at present; for, be it remembered, at no time of the year is the Warrior obstructed by ice.

The second conclusion is, that this great improvement may be made at a cost not exceeding the appropriation herein prayed for, one hundred and fifty-one thousand dollars.

The third conclusion is, that with the river thus improved the tug and barge system would be practicable; and that cotton could be carried from Tuscaloosa to Mobile at fifty cents (50c.) per bale, and merchandise transported either way at two dollars (\$2) per ton, and that a saving would be effected upon the present commerce of the Warrior valley, as against the present rate of transportations, of sixty-three thousand dollars (\$63,000) per annum. This saving would be equal to the interest, at eight per cent. per annum, on nearly eight hundred thousand dollars (\$800,000), and would be full forty (40) per cent. per annum upon the amount of the appropriation asked for. So much for the effect of the proposed improvement upon existing commerce, and upon the present planting interests that would be relieved by it; and we respectfully submit that, of itself, it furnishes good and solid ground for the appropriation, and makes a strong, persuasive and urgent appeal for it.

But the report of Major Harding goes farther; it states other facts, and makes other estimates and calculations of the prospective business to be developed by these improvements, a business which the report shows will be of great interest to the government itself, as well as the people of the Warrior valley. After remarking that the development of the latent wealth of the upper Warrior basin, above Tuscaloosa, depends mainly on the improvement of the lower Warrior, he says: “If the Warrior river were made navigable from Locust and Mulberry Fork to Mobile, it would open up more of the coal measures of Alabama than has been opened up by all the railroads now in operation or under construction in this State; as it would penetrate the very centre of her largest and most economically worked coal measures.” To show the nature and extent of this latent wealth, he quotes from Prof. Gesner, a geologist of Birmingham, well acquainted with the locality, as fol-

lows: "The coal measures of the Warrior basin embrace an area of more than three thousand two hundred and sixty (3,260) square miles. The basin is traversed almost centrally from the north-east toward the south-west, though the most productive part in coal, by the Warrior river. The width of this basin exceeds sixty-five (65) miles, and the strata of mill-stone grit, conglomerates, sandstones, coals, fire-clays, blackband iron ores and shales composing it, are synclinal, from the north-west and south-east, toward the Warrior river. As these strata approach the synclinal axis, they become quite horizontal, affording exposures of bituminous coals frequently from ten to twenty feet wide, in the beds of creeks tributary to the Warrior, and often in the bed of the river itself, extending entirely across them, so that, at low stages of their waters, large quantities of coal have been broken out and sent to market." Prof. Gesner states that "there have been thus far revealed in this basin thirteen seams of bituminous coal, with an aggregate thickness of thirty-five (35) feet, comprising one seam of six (6) feet and upwards, one of five and a half ($5\frac{1}{2}$) feet, three of four (4) feet and upwards, and two of three feet and upwards in thickness. Omitting the seams less than three feet thick, these measures contain seven seams of coal, already exposed, each over three feet thick, aggregating a thickness of twenty-nine and a half ($29\frac{1}{2}$) feet. As an acre of ground contains 4,840 square yards, and as a cubic yard (27 cubic feet) of coal contains a ton, it follows that an acre contains sixteen hundred and thirteen (1613) tons of coal for each foot in thickness; and that as these seven coal seams aggregate twenty-nine and a half ($29\frac{1}{2}$) feet in thickness, one acre contains forty-six thousand five hundred and eighty-three (46,583) tons mineable coal. There are, therefore, in the 3,260 square miles of coal measures in the Warrior basin (2,086,400 acres) ninety-seven billions one hundred and ninety millions seven hundred and seventy-one thousand two hundred (97,190,771,200) tons of bituminous coal, enough, at two millions tons per annum, to supply the demands of the Mexican Gulf for 48,594 years—more than twenty-five (25) times the number of years since the Christian era, and more than eight times the number, by Mosaic account, since the formation of man. All this may be obtained from the seams of coal already penetrated, the lowest of which is not perhaps more than one hundred feet below the surface." But Prof. Gesner adds, that "underlying the lowest of the seams yet discovered, there is a thickness of several hundred feet of coal measures wholly unexplored, which, when penetrated, will no doubt add several more to the number." Remembering in this connection that as we descend into the earth the coal seams, as a rule, become thicker and harder and better, the mind, in contemplating these several hundred feet of underlying coal measures, is

led to a contemplation of probabilities, not to say certainties, that are wholly beyond the reach of computation.

The report of Major Harding also shows that for fuel and for steaming purposes, for coking and for gas, the coal taken from these upper seams of the Warrior coal fields is of excellent quality. It shows various analyses of this coal, taken from different localities, with a view to ascertain its value in these several uses; and it gives the results of trials made with a great variety of coals, including coals from Pittsburg and from New Castle, specially to test the value of each for fuel and heating purposes; the Warrior coal giving the best results.

We specially commend to your notice that portion of the report which shows that the development of this vast mineral wealth depends mainly on the improvement of the lower Warrior. The reasoning is unanswerable. It concludes as follows: "The cost of transportation by barges to Mobile is estimated by Ohio river experts at seventy-five cents (75c.) per ton, making the total cost of coal at Mobile \$2.25, or, with a safe margin for contingencies, say \$3.00 per ton. Now, the current quotations for coal on the principal Atlantic and Gulf ports are as follows: New York, \$6.50 to \$7.50; Baltimore, \$4.50 to \$5.50; Havana (in gold), \$9 to \$10; Mobile, \$10 to \$12; New Orleans, \$7; Galveston, \$15. An inspection of these rates shows that the Warrior river coal can be delivered on the Gulf at prices that defy competition from any quarter. Hence, it is destined to supply the entire demand of the Gulf ports, and of the steam marine trading between them."

This memorial has grown too long to dwell upon the effects of the proposed improvement, in developing the great iron interests of the upper Warrior basin. We must content ourselves with referring to what is well said on that interesting subject in the report of Major Harding. The southern people, as a rule, from constitutional views, have heretofore been opposed to appropriations by congress for local internal improvements. They have therefore asked for little for such purposes, and they have received less; while large appropriations have been made from year to year to improve and facilitate the commerce of the eastern, northern and western States. It were great folly not now to acquiesce in what is known to be, on this subject, the settled policy of the government. Besides, we are too poor now to make even necessary improvements, and our State governments are not in a condition to help us. As a result of the recent war, the northern and eastern people became rich, while we became poor. They retained all their property, at greatly appreciated value; their national bank issues were good; their legal tender notes and bonds, amounting to thousands of millions—for the payment of which we are also bound—

are also good, and will remain good. We lost four hundred millions of dollars in slaves; we lost all our Confederate and State notes, and Confederate and State bonds, amounting to thousands of millions more; we lost nearly all our horses, and mules, and cattle, and manufacturing establishments, and many houses, and even fencing. We were--ninety-nine hundredths of us—at the close of the war, without a dollar, that could be called money, to buy any thing; our lands were all (except a remnant of cotton) that we had left, and these can not no be sold for one-fourth their former value. We are too poor, we repeat, to make even small necessary improvements. We here, on the Warrior river, show you—your own appointed officer shows you—that we lose sixty-three thousand dollars (\$63,000) every year in existing commerce for want of an improvement which one hundred and fifty-one thousand dollars (\$151,000) would make perfect. The same officer shows you that we have immense mines of undeveloped wealth, which never can be developed without that improvement.

That the governor be requested to furnish a copy of this memorial to the members of the senate and house of representatives of the congress of the United States from the State of Alabama, with the request that the same be laid before both houses of congress.

Approved January 26, 1875.

No. 2.]

JOINT MEMORIAL

To the Congress of the United States relative to the Texas and Pacific Railway Company.

WHEREAS, Completion of railroad construction, connecting the Atlantic and Pacific oceans, over the south-western portion of the United States, will greatly shorten the distance and cheapen carriage between the ports of the two oceans, and in its thorough exemption from snow blockades or other winter obstructions, affording a line of transportation at all times reliable for the commercial, postal and military demands of the nation, enabling prompt concentration of armies and their supplies whenever and whenever required for the country's safety and defense, and directly promoting public economy, and advantage in solving the Indian difficulties on our frontier by carrying forward a self-sustaining column of emigration for development of vast resources of wealth in its course; and whereas, there is now pending before the

national congress a measure proposing aid to the Texas and Pacific Railway Company in the form of a guarantee by the United States government of five per cent. annual coin interest, not the principal, of forty-year bonds, to be issued by said company to the extent of \$55,000 per mile of construction, under conditions assuring security to the government and success to the enterprise; and whereas, the general government has heretofore afforded the national credit to a like enterprise, and often extended aid in large and valuable subsidies of the public domain for similar improvements in other sections of the government, and impartiality in benefits is essential to good government—therefore,

Resolved by the General Assembly of Alabama, That our senators in congress are instructed and our representatives requested to support with their utmost ability the adoption of the above indicated measure, proposing guarantee by the general government of interest on bonds of the Texas and Pacific and Atlantic and Pacific Railway Companies.

Resolved, That the governor be requested to furnish each senator and representative with a copy of this resolution at the earliest practicable time.

Approved February 19, 1875.

No. 3.]

JOINT MEMORIAL

To the Congress of the United States relative to the Cotton Tax.

WHEREAS, The tax upon cotton levied and collected by the government of the United States during the years 1865, 1866 and 1867 was, in our judgment, most unjust and oppressive to the people of the cotton-growing States, in that it was a direct tax upon industry, and imposed upon them at a time when they were prostrated and impoverished by war and the attendant consequences; and whereas, the people of those States have, through their respective legislatures and chambers of commerce, petitioned the congress of the United States to authorize the refunding of this tax; and whereas, we believe the refunding of this tax, an unequal tax, levied, as it was, on the industry of a majority of the States, to be only a matter of even-handed, but tardy, justice to those with whom the people of this State are identified, as well by ties of blood as common interest—therefore,

Be it resolved by the General Assembly of Alabama, That we do most respectfully and earnestly memorialize the honorable congress of the United States to pass a law refunding to the people of

the cotton-growing States the amount of taxes collected on cotton during the years 1865, 1866 and 1867.

Be it further resolved, That the governor is hereby authorized and required to transmit a copy of this memorial to the congress of the United States through the senators and representatives of this State.

Approved February 23, 1875.

No. 4.]

A MEMORIAL

To the Congress of the United States asking a grant of lands in Walker county.

Your memorialists, the senate and house of representatives of the State of Alabama, represent the great importance to the country at large of such legislation as will encourage the establishment in the South of cotton factories. It is now ascertained that it is essential to the welfare and subsistence of many hundred thousand of dependent persons, mostly widows and orphans, who might find in such factories the means of earning for themselves a support. The Southern States, and Alabama in particular, have large tracts of country well adapted to the growth of cereals, abounding in water power and measurably free from the malarial diseases prevailing among the rich lands, upon which the cotton plant is most successfully grown. In this manufacturing region every advantage is present that nature can supply, and it lies in close proximity to the cotton-growing belt. Hence, it would seem to be true wisdom on the part of legislators to foster and stimulate the erection in these States of many cotton factories. Your memorialists would further represent that in the county of Walker, in the State of Alabama, is located the Ohio and Alabama Agricultural, Manufacturing and Mining Company. This colony is located upon a stream furnishing water power sufficient to drive the machinery of the largest cotton factory. Said company was chartered in 1872, since which time more than two hundred persons have removed from their northern homes to Walker county. A large majority of these are practical workmen. Said colony is established and conducted upon the corporation plan. It is the chief purpose of said company to erect a cotton factory in Walker county; but many of them being mechanics with small capital, they have thus far been embarrassed, and the purpose of this memorial is to pray of your honorable bodies a grant of land to enable them to proceed in their undertaking; and you are respect-

fully memorialized to grant to said Ohio and Alabama Agricultural, Manufacturing and Mining Company the following public lands, to-wit: All that part of the public domain in townships twelve, thirteen and fourteen, range six, west; and townships twelve and thirteen of range seven, west; and townships twelve and thirteen of range eight, west, all in Walker county and State of Alabama, upon condition that said company shall, within five years from the date of the grant, erect and complete a cotton factory in Walker county to cost not less than seventy-five thousand dollars (\$75,000). Your memorialists would represent unto your honorable bodies that about one-half of the lands in the above mentioned townships has already been taken up by entry, and the remainder is not in demand under the homestead law. But with the establishment of a cotton factory by said company it could be made available to them. Your memorialists would therefore urge upon your honorable bodies a favorable consideration of this their memorial.

Approved March 1, 1875.

No. 5.]

JOINT MEMORIAL

Of the General Assembly of Alabama requesting the Congress of the United States to pass a law authorizing parties who have erroneously made entries and settlements under the provisions of the homestead laws by permission of the local land officers at Huntsville on lands in the odd numbered sections within the limits of railroad grants in Alabama, to enter a like amount of lands in the even numbered sections without being required to move upon said lands or the payment of any additional fees, and to refund to the said settlers the fees already paid.

The joint memorial of the general assembly of Alabama to the senate and house of representatives of the United States of America, in congress assembled, respectfully shows unto your honorable bodies that upon the reopening of the land offices in Alabama after the war, the local land officers at Huntsville, in this State, accepted the application of various parties in this State for entries of lands upon the odd numbered sections of land within the limits of railroad grants in this State under the provisions of the homestead laws of the United States, and issued to the said parties certificates of entry, and they, the said parties, entered upon and settled the said lands, clearing lands and making improvements on the lands: and whereas, the said entries have since been declared

to be erroneous by the secretary of the interior, and cancelled, and the said settlers have been compelled to purchase the lands so entered and settled by them from the railroad companies in this State; or to abandon them altogether, thus entailing upon a portion of our people, poorly able to bear it, great loss and inconvenience, all on account of the error of the officers of the government, the general assembly of Alabama, in behalf of those of the citizens of the State thus situated, would respectfully and earnestly ask of your honorable bodies the passage of a law authorizing and requiring the secretary of the interior and the commissioners of the general land office to issue to each of said settlers, upon proof being made by such settlers of the entry, occupation and settlement of the originally and erroneously entered tracts of land for the period of five years, and as required by the homestead laws, a patent for a like quantity of land in any of the even numbered sections of land unoccupied, and within the limits of the railroad land grants to which the said originally located piece or tract of land has been adjudicated by the secretary of the interior. The general assembly of Alabama, having thus laid before the congress of the United States a statement of the grievances complained of, and pointed out a practicable remedy, conclude by invoking the early attention of your honorable bodies to the matter herein set forth, in the confident belief that their appeal in behalf of those unfortunate people cannot fall unheeded upon wise, just and humane lawgivers; and to this end, the governor is hereby requested to forward a copy of this memorial to each of our senators and representatives in congress at the earliest practicable moment.

Approved March 17, 1875.

OFFICE SECRETARY OF STATE, }
MONTGOMERY, ALA., June 3, 1875. }

I certify that the foregoing Acts, Resolutions and Memorials,
are correct copies from the original rolls on file in this office.

RUFUS K. BOYD,
Secretary of State.

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OFFICERS AND MEMBERS
OF THE
GENERAL ASSEMBLY OF ALABAMA,
SESSION OF 1874-75.

NAMES OF SENATORS.	COUNTY.	POST-OFFICE.
Ligon, R. F., Lt. Gov'nor and Pres't.	Macon	Tuskegee.
Brewer, S. B., Secretary	Montgomery . . .	Montgomery.
Chardavoyne, W. V., Ass't Sec'y . .	Lawrence	Courtland.
Graham, J. H., Engrossing Clerk . .	Perry	Marion.
Mount, T. L., Enrolling Clerk	Montgomery . . .	Montgomery.
Doran, Pat., Door-keeper	Montgomery . . .	Montgomery.
Black, Jacob	Barbour	Eufaula.
Carmichael, J. M.	Dale	Ozark.
Cobb, R. W.	Shelby	Helena.
Coleman, Daniel	Limestone	Athens.
Cooper, T. B.	Cherokee	Center.
Cunningham, A.	Talladega	Talladega.
Curtis, A. H.	Perry	Marion.
Dereen, J. W.	Marengo	Demopolis.
Driesbach, J. D.	Baldwin	Mt. Pleasant.
Edwards, W. H.	Blount	Chepultepec.
Farden, J. A.	Montgomery . . .	Montgomery.
Glass, W. W.	Macon	Tuskegee.
Golson, W. G. M.	Autauga	Prattville.
Grayson, J. W.	Madison	Huntsville.
Green, J. K.	Hale	Greensboro.
Hamilton, P.	Mobile	Mobile.
Haralson, Jere	Dallas	_____
Harris, J. T.	Lee	Opelika.
Harris, W. B.	Russell	Girard.
Inzer, J. W.	St. Clair	Ashville.
Jones, J. W.	Lowndes	Hayneville.
Leftwich, Lloyd	Greene	Falkland.

NAMES OF SENATORS.	COUNTY.	POST-OFFICE.
Little, W. G., Jr.....	Sumter	Livingston.
Martin, E. W.....	Conecuh	Evergreen.
Martin, J. M.....	Tuscaloosa	Tuscaloosa.
Moore, J. B.....	Colbert.....	Tuscumbia.
Parks, W. H.....	Pike.....	Troy.
Robinson, J. J.....	Chambers.	LaFayette.
Royal, B. F.....	Bullock.....	Union Springs.
Snodgrass, A.....	Jackson.....	Scottsboro.
Terrell, J. A.....	Tallapoosa	Dadeville.
Walton, S.....	Choctaw.....	DeSotoville.

NAMES

OF

REPRESENTATIVES AND THEIR POST-OFFICES.

NAME.	COUNTY.	POST-OFFICE.
Anderson, D. C., Speaker.....	Mobile.....	Mobile.
Phelan, Ellis, Clerk.....	Jefferson.....	Birmingham.
Whitman, C. D., Assistant Clerk.....	Lowndes.....	Lowndesboro.
Garrett, Elmore, Engr. Clerk... ..	Coosa.....	Rockford.
Martin, W. L., Enrolling Clerk..	Jackson.....	Scottsboro.
Phelan, S. H., Index Clerk.....	Jefferson.....	Birmingham.
Cocke, J. F., Door-keeper.....	Perry.....	Marion.
Knight, W. M., As't Door-ke'p'r.	Lee.....	Loachapoka.
Allen, G. W.....	Bullock.....	Enon.
Aldridge, Enoch.....	Blount.....	Brooksville.
Andrews, W.....	Barbour.....	Newtopia.
Baldwin, Elijah.....	Wilcox.....	Camden.
Barnett, S. A.....	Monroe.....	Newtown Academy
Barron, J. Day.....	Clay.....	Ashland.
Beirne, Geo. P.....	Madison.....	Huntsville.
Bell, W. T.....	Cherokee.....	Gaylesville.
Bennett, G.....	Sumter.....	Livingston.
Betts, E. C.....	Madison.....	Huntsville.
Billups, J. A.....	Pickens.....	Carrollton.
Blevins, W. H.....	Dallas.....	Selma.
Bliss, Joseph.....	Sumter.....	Gainesville.
Bonner, Thos.....	Choctaw.....	Isny.
Boyd, Matt.....	Perry.....	Marion.
Bozeman, J. E.....	Autauga.....	Statesville.
Brewer, L.....	Mobile.....	Mobile.
Baker, T. W.....	Clarke.....	Jackson.
Brantley, W. A.....	Dallas.....	Selma.
Brown, H. H.....	Tuscaloosa.....	Northport.
Bruce, John.....	Wilcox.....	Prairie Bluff.
Cashin, H. V.....	Montgomery...	Montgomery.

NAME.	COUNTY.	POST-OFFICE.
Chambers, W. H.	Russell	Oswichee.
Clements, N. N.	Tuscaloosa	Tuscaloosa.
Cook, Elijah	Montgomery	Montgomery.
Coon, D. E.	Dallas	Selma.
Cockrell, W. E.	Greene	Eutaw.
Crews, J. E.	Barbour	Clayton.
Davis, J. W.	Bibb	Centreville.
Dickson, Barton	Colbert	Dickson.
Dillon, F.	St. Clair	Cropwell.
Edwards, L. M.	Dale	Ozark.
Espy, J. S.	Barbour	Kings, P. O.
Fagan, Charles	Montgomery	Montgomery.
Farriss, Willis	Winston	Larrisa.
Fielder, M. L.	Elmore	Good Hope.
Forsyth, John	Mobile	Mobile.
Franklin, J. N.	DeKalb	Fort Payne.
Gaskin, W. D.	Lowndes	expl'd Mar. 4, '75.
Gibson, O. D.	Lawrence	Moulton.
Gilmer, W.	Lawrence	Hillsboro.
Gilmer, Captain	Montgomery	Montgomery.
Grant, L. W.	Calhoun	Jacksonville.
Greene, R. S.	Jefferson	Birmingham.
Greene, M. J.	Lee	Loachapoka.
Gulledge, R. H.	Coosa	Rockford.
Hamilton, A. J.	Marion	Pikeville.
Harris, W. T.	Chambers	Chambers, C. H.
Harris, C. E.	Dallas	Selma.
Harris, T. J.	Perry	Marion.
Heaton, W. D.	Randolph	Carter's Store.
Herman, S. D.	Lauderdale	Centre Star.
Higgins, W. J.	Jackson	Larkinsville.
Holloway, A. G.	Tallapoosa	Fish Pond.
Huey, R. E.	Pike	Brundidge.
Johnston, A. W.	Macon	Tuskegee.
Jones, J. C. H.	Pickens	Windham.
Jones, A. G.	Russell	Seale.
Kimmev, M. C.	Coffee	Elba.
Kirkland, J. C.	Fayette	Montcalm.
Lee, Sam.	Lowndes	Manack.
Leslie, T. R.	Lee	Smith's Station.
Lewis, G. S. W.	Perry	Uniontown.
Maples, W. M.	Jackson	Princeton.
Martin, Jacob	Dallas	Martin's Station.
Mathews, P.	Bullock	Union Springs.

NAME.	COUNTY.	POST-OFFICE.
Merriwether, W.	Wilcox	Camden.
McDuffie, L.	Lowndes	Hayneville.
Mitchell, E. R.	Montgomery	Montgomery.
Nelson, Joseph	Baldwin	Mobile.
Patterson, G.	Macon	LaPlace.
Price, T. H.	Mobile	Mobile.
Prowell, D. M.	Marengo	Dayton.
Purcell, H.	Henry	Columbia.
Rabby, J. M.	Mobile	Mobile.
Reese, B. W.	Hale	Greensboro.
Reid, Robert	Sumter	Demopolis.
Rice, F.	Madison	New Market.
Ross, D. A. G.	Tallapoosa	Camp Hill.
Rousseau, J. P.	Crenshaw	Leon.
Shepard, O. W.	Cleburne	Arbacooche.
Sims, J. A. J.	Talladega	Ala. Iron Furn.
Smith, C.	Bullock	Union Springs.
Smith, W. M.	Franklin	Newburg.
Stallworth, N.	Conecuh	Evergreen.
Stevens, Joseph	Chambers	Milltown.
St. John, C. B.	Marshall	Red Hill.
Straughn, T. W.	Covington	Rose Hill.
Stribling, W.	Washington	—
Tate, J. F.	Butler	Georgiana.
Townsend, J. M.	Limestone	Athens.
Troup, M. W.	Morgan	Danville.
Wharton, J. M. C.	Walker	Arkadelphia.
Wilson, L. M.	Shelby	Columbiana.
Witherspoon, J. R.	Greene	Falkland.
Wood, C. S.	Marengo	McKinley.
Wood, A. C.	Talladega	Fayetteville.
Woolf, H. A.	Marengo	Linden.
Wynne, M.	Hale	Greensboro.

TABLE

OF THE

RATES OF INTEREST OF THE STATES OF THE UNION,

COMPILED IN PURSUANCE OF AN ACT APPROVED FEBRUARY 18TH, 1848.

Maine.	6	per cent.	Kansas, (convent'l) ..	10	per cent.
Rhode Island.....	6	"	New Hampshire.....	6	"
Massachusetts	6	"	Connecticut.....	6	"
New York.....	7	"	Vermont	6	"
Pennsylvania.....	6	"	New Jersey.....	6	"
Maryland.	6	"	Delaware.....	6	"
North Carolina.....	6	"	Virginia	6	"
Tennessee	6	"	South Carolina	7	"
Ohio.....	6	"	Kentucky.....	6	"
Illinois	6	"	Indiana.	6	"
Alabama	8	"	Georgia.....	8	"
Arkansas	6	"	Missouri.	6	"
Iowa.....	7	"	Michigan	6	"
Texas, (convent'l)....	8	"	Florida.	8	"
California, " . . .	10	"	Wisconsin	7	"

MISSISSIPPI.—Legal interest, 6 per cent. ; lent money, 8 per cent.

LOUISIANA.—Legal interest, 5 per cent. ; bank interest, 6 per cent. ; conventional interest, 10 per cent.